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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

| Title | Code of State Regulations | Division | Chapter | Rule |
|------------|---------------------------|------------------|------------------------|-------------------------|
| 1 | CSR | 10- | 1. | 010 |
| Department | | Agency, Division | General area regulated | Specific area regulated |

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—Missouri Universal Service Fund**

EMERGENCY AMENDMENT

4 CSR 240-31.010 Definitions. The commission is adding a new section (8), amending current sections (9)–(14), and renumbering the sections as necessary.

PURPOSE: This rule is amended to conform to new federal guidelines concerning eligibility to receive Lifeline Program support.

EMERGENCY STATEMENT: This rule is amended to bring the commission's rule regarding eligibility to receive Lifeline Program support from the Universal Service Fund into conformity with federal eligibility requirements for that program. The Federal Communications Commission issued an order on February 6, 2012, that requires the state to conform its eligibility requirements to the federal standards by June 1, 2012. If Missouri's eligibility requirements as set forth in the commission's rule are not in conformity by that date, over one hundred thousand (100,000) Missouri telecommunications customers who are currently receiving Lifeline support will become ineligible to receive that support from the Universal Service Fund. Lifeline support is the means by which many low-income households are able to maintain a phone connection that might otherwise be unaffordable. As its name implies, Lifeline support may be the only means by which

such households are able to call for medical assistance or to contact family members. Because of the need to preserve the eligibility of Missouri citizens to receive Lifeline support, the Public Service Commission finds an immediate danger to the public health, safety, and welfare, and a compelling governmental interest that requires this emergency action. A proposed amendment that covers the same material is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Public Service Commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed May 18, 2012, becomes effective June 1, 2012, and expires February 28, 2013.

(8) Income—All income actually received by all members of the household. This includes salary before deductions for taxes, public assistance benefits, Social Security payments, pensions, unemployment compensation, veteran's benefits, inheritances, alimony, child support payments, worker's compensation benefits, gifts, lottery winnings, and the like. The only exceptions are student financial aid, military housing and cost-of-living allowances, irregular income from occasional small jobs such as baby-sitting or lawn mowing, and the like.

[(8)](9) Local calling scope—The geographic area determined by a local exchange telecommunications company's tariffs filed with and approved by the commission, within which telecommunications service is furnished under a non-optional, flat, monthly rate. A local calling scope may include one (1) or more exchange service areas.

[(9)](10) Low-income customer—Any customer who requests or receives residential essential local telecommunications service and whose income, as defined in section (8) above, is at or below one hundred thirty-five percent (135%) of the Federal Poverty Guidelines or who participates or has a dependent residing in the customer's household who participates in a program pursuant to 42 U.S.C. sections 1396f–j–1396v, food stamps (7 U.S.C. section 51), Supplementary Security Income (SSI) (42 U.S.C. section 7), federal public housing assistance or Section 8 (42 U.S.C. section 8), National School Lunch Program's free lunch program (42 U.S.C. section 13), Temporary Assistance for Needy Families (42 U.S.C. section 7(IV)), or Low Income Home Energy Assistance Program (LIHEAP) (42 U.S.C. section 94).

[(10)](11) Missouri Universal Service Board (board)—The board established by section 392.248.1., RSMo 2000, and comprised of members of the commission and the Public Counsel, which shall supervise the management of the MoUSF.

[(11)](12) Missouri Universal Service Fund (MoUSF or Fund)—The universal service fund established by section 392.248, RSMo 2000, to be used[/-]—

(A) To ensure the provision of reasonably comparable essential local telecommunications service, as defined in this rule, throughout the state including high cost areas, at just, reasonable, and affordable rates;

(B) To assist low-income customers and disabled customers in obtaining affordable essential telecommunications services;

(C) To pay the reasonable, audited costs of administering the MoUSF; and

(D) To permit eligible incumbent local exchange companies to recover the reasonably projected changes in revenues from reductions in Federal Universal Service Fund (USF) payments caused by changes to the Federal USF program announced by the FCC no later than December 31, 1997, as determined by the commission.

~~[(12)]~~**(13)** Net jurisdictional revenue—Net jurisdictional revenue shall include all revenues received by an applicable carrier from retail customers resulting from the provision of intrastate regulated telecommunications services, but shall not include revenue from pay-phone operations, taxes, and uncollectibles. Revenues received from another provider of telecommunications services for the provision of switched and special exchange access services and for the provision of unbundled network elements and resold services~~/,~~ shall not be considered retail revenues.

~~[(13)]~~**(14)** Toll blocking—~~["Toll blocking["]~~ is a service provided by carriers that lets customers elect not to allow the completion of outgoing toll calls from their telecommunications channel.

~~[(14)]~~**(15)** Toll control—~~["Toll control["]~~ is a service provided by carriers that allows customers to specify a certain amount of toll usage that may be incurred on their telecommunications channel per month or per billing cycle.

*AUTHORITY: section 392.200.2., [HB 1779, Second Regular Session, Ninety-fourth General Assembly, 2008] RSMo Supp. 2011, and sections 392.248 and 392.470.1., RSMo 2000. Original rule filed Aug. 15, 1997, effective April 30, 1998. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed May 18, 2012, effective June 1, 2012, expires Feb. 28, 2013. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 4—Wildlife Code: General Provisions

PROPOSED AMENDMENT

3 CSR 10-4.110 General Prohibition; Applications. The commission proposes to add section (10) to this rule.

PURPOSE: This amendment places a restriction on those activities that are likely to unnaturally concentrate white-tailed deer and promote the spread of Chronic Wasting Disease.

(10) Within the Chronic Wasting Disease (CWD) Containment Zone (comprising Adair, Chariton, Linn, Macon, Randolph, and Sullivan counties), the placement of grain, salt products, minerals, and other consumable natural or manufactured products is prohibited. The following exceptions apply:

(A) Feed placed within one hundred (100) feet of any residence or occupied building; or

(B) Feed placed in such a manner to reasonably exclude access by deer; or

(C) Feed and minerals present solely as a result of normal agricultural or forest management or crop and wildlife food production practices.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed June 26, 1975, effective July 7, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed May 25, 2012.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.222 Youth Pricing: Deer and Turkey Permits. The commission proposes to amend this rule.

PURPOSE: This amendment adds Managed Deer Hunting Permits to the reduced-price deer and turkey permits for youth age fifteen (15) and younger.

Any person at least six (6), but not older than fifteen (15), years of age may purchase the following permits at fifty percent (50%) of the cost of a resident permit: Firearms Any-Deer Hunting Permit, Firearms Antlerless Deer Hunting Permit, **Managed Deer Hunting Permit**, Archer's Hunting Permit, Archery Antlerless Deer Hunting Permit, or Turkey Hunting Permits. When hunting on firearms deer or turkey permits, persons fifteen (15) years of age or younger must comply with the requirements in 3 CSR 10-5.205(1)(F).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed Oct. 10, 2008, effective July 1, 2009. Amended: Filed May 25, 2012.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits

PROPOSED AMENDMENT

3 CSR 10-7.431 Deer Hunting Seasons: General Provisions. The commission proposes to amend subsections (6)(G), (7)(B), and (7)(F) and section (10) of this rule.

PURPOSE: This amendment clarifies when deer may not be hunted, renames the muzzleloader portion of the firearms deer season, and simplifies requirements for tagging harvested deer.

(6) Deer may not be hunted, pursued, taken, or killed—

(G) With the aid of bait (grain or other feed placed or scattered so as to constitute an attraction or enticement to deer). Scents and minerals, including salt, are not regarded as bait; however, mineral blocks with food additives are prohibited. An area is considered baited for ten (10) days following complete removal of bait. *[Hunters can be in violation even if they did not know an area was baited.] A person shall be in violation of this provision if they take or attempt to take deer by the aid of bait, where the person knows or reasonably should know that the area is or has been baited.* It is illegal to place bait in a way that causes others to be in violation of the baiting rule.

(7) During the firearms deer hunting season and during managed firearms deer hunts on those areas where such hunts are held, all persons hunting any game, and also adult mentors accompanying them, must wear a cap or hat and a shirt, vest, or coat of the color commonly known as hunter orange, which must be plainly visible from all sides. Camouflage orange garments do not meet this requirement. The following are exempt from this requirement:

(B) Archery permittees during the *[muzzleloader] alternative methods* portion;

(F) Hunters of small game and/or furbearers during the *[muzzleloader] alternative methods* portion.

(10) Deer (or parts thereof) reported in accordance with established procedures, when labeled with the *[full name, address, and confirmation number of the taker,] full name and address of the taker, the date taken, and the Telecheck confirmation number of the deer,* may be possessed, transported, and stored by anyone. Commercially processed deer meat may be donated to not-for-profit charitable organizations under guidelines established by the director.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed April 29, 2004, effective May 15, 2004. For intervening history, please consult the Code of State Regulations. Amended: Filed May 25, 2012.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits

PROPOSED AMENDMENT

3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits. The commission proposes to delete section (4) and renumber subsequent sections of this rule.

PURPOSE: This proposed amendment removes the requirement for affixing an approved safety sticker to a permit holder's firearm while hunting wild turkeys.

[(4) Each permit holder hunting with a shotgun shall first affix an approved safety sticker to the receiver of his/her gun where it will be in his/her line of sight when shooting, and maintain the sticker on the gun when hunting.]

[(5)](4) A resident landowner or lessee as defined in 3 CSR 10-20.805, possessing a landowner turkey hunting permit, may take and possess turkeys in accordance with this rule on his/her land or, in the case of the lessee, on the land on which s/he resides and shall report the turkeys through the Telecheck Harvest Reporting System as required in this rule.

[(6)](5) Any person who kills or injures any wild turkey shall make a reasonable effort to retrieve the turkey and include it in his/her season limit.

[(7)](6) Turkeys (or parts thereof) reported in accordance with established procedures, when labeled with the full name, address, and confirmation number of the taker, may be possessed, transported, given away, and stored by anyone.

[(8)](7) In accordance with section 270.400, RSMo, feral hogs (any hog, including Russian and European wild boar, that is not conspicuously identified by ear tags or other forms of identification and is roaming freely upon public or private lands without the landowner's permission) may be taken in any number during the spring firearms turkey season and youth spring season only by the holder of a valid, unused turkey hunting permit; and only by methods and times prescribed for taking turkeys. During the fall firearms turkey season, feral hogs may be taken only by the holder of a valid, unused turkey hunting permit or a small game hunting permit; and only by methods prescribed in Chapter 7 for taking wildlife, and without the use of bait. Other restrictions may apply on public lands. Resident landowners or lessees as defined in this Code may take feral hogs on their own property at any time, by any method, and without permit.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed Dec. 15, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed May 25, 2012.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—Missouri Universal Service Fund**

PROPOSED AMENDMENT

4 CSR 240-31.010 Definitions. The commission is amending sections (6), (9), (13), and (14); adding new sections (8), (9), and (17); and renumbering sections (8), (10), (11), and (12).

PURPOSE: This rule is amended to conform to new federal guidelines concerning eligibility to receive Lifeline Program support.

(6) Essential local telecommunications services—*[Two (2)-way switched voice residential service within a local calling scope as determined by the commission, comprised of the following services and their recurring charges:*

(A) Single line residential service, including Touch-Tone dialing, and any applicable mileage or zone charges;

(B) Access to local emergency services including, but not limited to, 911 service established by local authorities;

(C) Access to basic local operator services;

(D) Access to basic local directory assistance;

(E) Standard intercept service;

(F) Equal access to interexchange carriers consistent with rules and regulations of the Federal Communications Commission (FCC);

(G) One (1) standard white pages directory listing; and

(H) Toll blocking or toll control for qualifying low-income customers.] This is synonymous with “voice telephony services.”

(8) Household—Any individual or group of individuals who are living together at the same address as one (1) economic unit. A household may include related and unrelated persons. An “economic unit” consists of all adult individuals contributing to and sharing in the income and expenses of a household. An adult is any person eighteen (18) years or older. If an adult has no or minimal income, and lives with someone who provides financial support to him/her, both people shall be considered part of the same household. Children under the age of eighteen (18) living with their parents or guardians are considered to be part of the same household as their parents or guardians.

(9) Income—All income actually received by all members of the household. This includes salary before deductions for taxes, public assistance benefits, Social Security payments, pensions, unemployment compensation, veteran’s benefits, inheritances, alimony, child support payments, worker’s compensation benefits, gifts, lottery winnings, and the like. The only exceptions are student financial aid, military housing and cost-of-living allowances, irregular income from occasional small jobs such as baby-sitting or lawn mowing, and the like.

[(8)](10) Local calling scope—The geographic area determined by a local exchange telecommunications company’s tariffs filed with and approved by the commission, within which telecommunications service is furnished under a non-optional, flat, monthly rate. A local calling scope may include one (1) or more exchange service areas.

[(9)](11) Low-income customer—Any customer who requests or receives residential essential local telecommunications service and whose income, as defined in section (9) above, is at or below one hundred thirty-five percent (135%) of the Federal Poverty Guidelines or who participates or has a dependent residing in the customer’s household who participates in a program pursuant to 42 U.S.C. sections 1396f–j–1396v, food stamps (7 U.S.C. section 51), Supplementary Security Income (SSI) (42 U.S.C. section 7), federal public housing assistance or Section 8 (42 U.S.C. section 8), National School Lunch Program’s free lunch program (42 U.S.C.

section 13), Temporary Assistance for Needy Families (42 U.S.C. section 7(IV)), or Low Income Home Energy Assistance Program (LIHEAP) (42 U.S.C. section 94).

[(10)](12) Missouri Universal Service Board (board)—The board established by section 392.248.1., RSMo 2000, and comprised of members of the commission and the Public Counsel, which shall supervise the management of the MoUSF.

[(11)](13) Missouri Universal Service Fund (MoUSF or Fund)—The universal service fund established by section 392.248, RSMo 2000, to be used[:—

(A) To ensure the provision of reasonably comparable essential local telecommunications service, as defined in this rule, throughout the state including high cost areas, at just, reasonable, and affordable rates;

(B) To assist low-income customers and disabled customers in obtaining affordable essential telecommunications services;

(C) To pay the reasonable, audited costs of administering the MoUSF; and

(D) To permit eligible incumbent local exchange companies to recover the reasonably projected changes in revenues from reductions in Federal Universal Service Fund (USF) payments caused by changes to the Federal USF program announced by the FCC no later than December 31, 1997, as determined by the commission.

[(12)](14) Net jurisdictional revenue—Net jurisdictional revenue shall include all revenues received by an applicable carrier from retail customers resulting from the provision of intrastate regulated telecommunications services, but shall not include revenue from pay-phone operations, taxes, and uncollectibles. Revenues received from another provider of telecommunications services for the provision of switched and special exchange access services and for the provision of unbundled network elements and resold services[,/] shall not be considered retail revenues.

[(13)](15) Toll blocking—*[“Toll blocking”]* is a service provided by carriers that lets customers elect not to allow the completion of outgoing toll calls from their telecommunications channel.

[(14)](16) Toll control—*[“Toll control”]* is a service provided by carriers that allows customers to specify a certain amount of toll usage that may be incurred on their telecommunications channel per month or per billing cycle.

(17) Voice telephony services—**Shall provide voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government has implemented them; and toll limitation services to qualifying low-income customers.**

AUTHORITY: section 392.200.2., [HB 1779, Second Regular Session, Ninety-fourth General Assembly, 2008] RSMo Supp. 2011, and sections 392.248 and 392.470.1., RSMo 2000. Original rule filed Aug. 15, 1997, effective April 30, 1998. For intervening history, please consult the Code of State Regulations. Emergency amendment filed May 18, 2012, effective June 1, 2012, expires Feb. 28, 2013. Amended: Filed May 30, 2012.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Steven C. Reed, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before August 1, 2012, and should include a reference to Commission Case No. TX-2012-0392. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for August 2, 2012, at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment and may be asked to respond to commission questions.*

SPECIAL NEEDS: *Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.*

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 13—[Rules for the Establishment
of a] Missouri No-Call [Database]

PROPOSED AMENDMENT

15 CSR 60-13.060 Methods by Which a Person or Entity Desiring to Make Telephone Solicitations Will Obtain Access to the Database of Residential Subscribers' Notices of Objection to Receiving Telephone Solicitations and the Cost Assessed for Access to the Database. The Attorney General's Office is amending the chapter title, the purpose of the rule, and sections (1) and (2) and adding a new section (3).

PURPOSE: *This amendment provides headers for sections (1) and (2), clarifies how a request is made for the no-call database, specifies who must sign the required confidentiality agreement, revises the language concerning payments for computer disk copies of the no-call database, provides for online access to the no-call database and the charges for such access, and adds a new section concerning provisions of forms by the attorney general necessary to comply with the rule.*

PURPOSE: *This rule sets forth the methods by which persons or entities desiring to make telephone solicitations will obtain access to the database of residential subscribers' notices of objection to receiving telephone solicitations, [and it] sets forth the cost assessed for access to that database, and permits telemarketers to access the no-call database of residential subscribers' notices of objection through a secure portal on the Missouri Attorney General's website. Persons or entities obtaining copies of the no-call database are reminded that the no-call database is updated quarterly.*

(1) **Access to No-Call Database.** A person or entity desiring to make telephone solicitations to residential subscribers residing or living in Missouri may obtain a copy of the no-call database for his, her, or its lawful use, or for the lawful use by his, her, or its employees, or for the lawful use by his, her, or its independent contractors for use in their business, so long as the independent contractor is regularly associated with the person or entity and is engaged in the same or related type of business as the person or entity, by *[doing]* submitting a request to the Attorney General's Office, which includes the following:

(A) *[Signing a]* A written confidentiality agreement prepared by the Attorney General's Office **and signed by the person or authorized agent of the entity** that 1) restricts use of the no-call database exclusively for the purpose of compliance with sections 407.1095 to 407.1113, RSMo 2000, as amended from time-to-time, and 2) prohibits the transfer of the copy of the no-call database to any person or entity who has not submitted the signed written confidentiality agreement and payment to the Attorney General's Office for receipt of a copy of the no-call database; and

(B) *[Submitting the signed confidentiality agreement along with payment in an amount equal to]* **The appropriate fee as follows:**

1. **Computer disk copy of the no-call database.** For delivery of a computer disk copy with access to each Missouri area code, payment of fifty dollars (\$50) per quarter *[for each Missouri area code to the Attorney General's Office for providing a computer disk copy of the no-call database]*. Those persons or entities desiring to obtain access to only part of the no-call database may do so by submitting *[the signed confidentiality agreement along with]* a request designating by area code the portion or portions of the no-call database they desire and providing payment *[in the amount]* of fifty dollars (\$50) per quarter per area code to the Attorney General's Office *[for providing a computer disk copy of the requested portion of the no-call database.]; and/or*

2. **Online access to the no-call database.** For twelve (12) months access to the no-call database through a secure portal with the Attorney General's Office at <https://www.nocall.ago.mo.gov/>, an annual processing fee of forty dollars (\$40), along with payment of fifty dollars (\$50) per quarter for access to each Missouri area code. Those persons or entities desiring to obtain access to only part of the no-call database may do so by a request designating by area code the portion or portions of the no-call database they desire and providing payment of the annual processing fee and fifty dollars (\$50) per quarter per area code to the Attorney General's Office.

(2) **Notice of Claimed Exclusion.** A person or entity who initiates any voice communication over a telephone line from a live operator, through the use of ADAD equipment or by other means for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services and who claims that such communication falls under one (1) of the exclusions to the definition of "telephone solicitation" appearing in section 407.1095(3), RSMo, as amended, may provide notice in the form of a notarized affidavit to the Attorney General's Office of that person or entity's intention to utilize the claimed exclusion along with an explanation of the basis for that person's claimed exclusion. The Attorney General's Office may investigate the claim exclusion using the powers available under section 407.1110, RSMo, as amended. Submitting an affidavit to the *[A]ttorney [G]eneral* of intention to utilize a claimed exclusion shall not, in and of itself, establish the section 407.1110.4., RSMo, defense to an action brought for violation of section 407.1098, RSMo, or section 407.1107, RSMo.

(3) **Availability of Forms.** The Attorney General's Office on request will supply in printed format the forms listed in this rule. Accurate reproduction of the forms may be utilized for filing in lieu of the printed forms. All forms referenced herein are available at <https://www.nocall.ago.mo.gov/>.

AUTHORITY: *section 407.1101, RSMo 2000. Original rule filed Sept. 28, 2000, effective March 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed May 16, 2012.*

PUBLIC COST: *This proposed amendment will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: This proposed amendment will cost private entities less than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Interested persons may submit a written statement in support of or in opposition to the proposed amendment. Written statements shall be sent to Ronald Holliger, General Counsel, Office of the Attorney General, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 25—[Division of Administration] State Public Health Laboratory

Chapter 30—Determination of Blood Alcohol by Blood, Breath, Saliva, and Urine Analysis; and Determination for the Presence of Drugs in Blood, Saliva, and Urine

PROPOSED AMENDMENT

19 CSR 25-30.011 General Provisions for the Determination of Blood, Breath, Saliva, or Urine Analysis and Drug Testing. The department is amending the name of the division and chapter; sections (1)–(4) and (6); and adding new definitions in section (2) and new case law references at the end.

PURPOSE: This amendment clarifies the requirements necessary to secure and retain a permit, makes the text consistent with the terminology used on the maintenance report forms, adds additional definitions and case law references for purposes of clarity, and reflects the name change of the department.

(1) Only those laboratories or persons performing analysis of blood, breath, *[urine or saliva]* **saliva, or urine** for the determination of blood alcohol content, or of blood, *[and]* **saliva, or urine** for the presence of drugs—at the direction of a law enforcement officer acting under the provisions of sections 577.020–*[577.039, RSMo,]* 577.041, RSMo, and sections 306.111–306.119, RSMo—are subject to the rules in this chapter.

(2) The following definitions shall be used in the interpretation and enforcement of the rules in this chapter:

(B) Breath analyzer is an instrument which measures and expresses the blood alcohol content from a sample of expired *[(alveolar)]* air;

(C) Department is the Missouri Department of Health and Senior Services;

(E) Field **service and** repairs are the **service and** repairs on breath analyzers at locations other than at a manufacturer's facility;

(F) Maintenance checks are the standardized and prescribed procedures used to determine that a breath analyzer is functioning properly and is operating in accordance with the operational procedures established by the Department of Health and Senior Services; *[and]*

(G) Permit is the written authorization from the Department of Health and Senior Services for an individual to perform analyses of blood, breath, *[urine or saliva]* **saliva, or urine** for blood alcohol content; to perform analyses *[on]* of blood, **saliva, or urine** for drugs; to operate breath analyzers; to supervise operators of breath analyzers; to serve as instructors of training courses; and to perform field **service and** repairs and maintenance checks on breath analyzers~~./;~~

(H) Observation period is the minimum fifteen- (15-) minute continuous period that ends when a breath sample has been provided into the approved breath analyzer, during which time the operator shall remain close enough to a subject to reasonably ensure, using the senses of sight, hearing, or smell, that a test

subject does not smoke, vomit, or have any oral intake during the fifteen- (15-) minute observation period. Direct observation is not necessary to ensure the validity or accuracy of the test result;

(I) Oral intake is the act of placing a substance from outside the body into the mouth during the observation period. The mouthpiece used to provide a breath sample shall not constitute oral intake;

(J) Vomiting is the act of ejecting the solid and/or liquid contents of the stomach through the mouth, and does not include belching or burping;

(K) Examination is a limited visual examination of a test subject's mouth and/or denial by a subject that he or she has any substance in his or her mouth; and

(L) Substance is any foreign matter, solid or liquid, not to include dentures, dental work, studs, piercing, or tongue jewelry.

(3) The chemical analysis of a person's blood, breath, *[urine or saliva]* **saliva, or urine** conducted under the provisions of sections 577.020–*[577.039, RSMo,]* 577.041, RSMo, and sections 306.111–306.119, RSMo, shall be performed by licensed medical personnel or by personnel possessing a valid permit issued by the department.

(4) Applications for permits and renewals of permits shall be made on forms (see 19 CSR 25-30.021, 19 CSR 25-30.031 or 19 CSR 25-30.041) available from the *[director]* **Breath Alcohol Program**, State Public Health Laboratory—**Southeast Branch**, *[307 W. McCarty Street, Jefferson City, MO 65101]* **2875 James Boulevard, Poplar Bluff, MO 63901**. Forms are also available at <http://health.mo.gov/lab/breathalcohol/>. Requests for approval of instruments, methods, or training courses shall be made to the director, State Public Health Laboratory, c/o **Breath Alcohol Program**. Criteria and standards used for approval purposes shall be provided upon request by the State Public Health Laboratory.

(6) The department *[shall]* **may** initiate proceedings to **deny, suspend, or** revoke a permit when there is evidence of false or misrepresented information given on an application or renewal for a permit; when there is evidence that the permittee has falsified reports, negligently performed analyses or reported results, used an instrument or method not approved by the department, performed analyses not authorized by the permit, or has used the permit for promotional or commercial purposes; or when the permittee has *[repeatedly]* demonstrated an inability to accurately and properly perform analyses or satisfactorily meet the *[responsibilities]* **qualifications and competence standards required** of the permit.

(A) The department shall provide written notice of the *[revocation]* **disciplinary action** to the permittee and the employee of the permittee.

(B) The notice shall contain a summary of the evidence supporting the *[revocation]* **disciplinary action**.

AUTHORITY: sections 192.006~~],~~ 306.114, 306.117, 577.020, 577.023~~,~~ and 577.026, *[577.029, 577.031, 577.033, 577.037, 577.039 and 577.041,]* RSMo 2000, and 306.114, 306.117, 577.020, and 577.037, RSMo Supp. 2011. This rule previously filed as 19 CSR 20-30.011. Original rule filed July 15, 1988, effective Sept. 29, 1988. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 31, 2012.

Daniels v. Director of Revenue, 48 S.W.3d 42 (Mo. App. 2001), overruled on other grounds by *Verdoorn v. Director of Revenue*, 119 S.W.3d 543 (Mo. 2003). “Belching” does not constitute “vomiting” because stomach contents are not disgorged through the mouth.

Misener v. Director of Revenue, 134 S.W.3d 761 (Mo. App. 2004). Subject waived any defense based upon the breath test result

being contaminated by an antacid tablet in his mouth because he did not respond truthfully when asked whether he was taking any medication.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) dollars in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) dollars in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Bill Whitmar, Director, Missouri Department of Health and Senior Services, State Public Health Laboratory, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 25—[Division of Administration] State Public Health Laboratory

Chapter 30—Determination of Blood Alcohol by Blood, Breath, Saliva, and Urine Analysis; and Determination for the Presence of Drugs in Blood, Saliva, and Urine

PROPOSED AMENDMENT

19 CSR 25-30.021 Type I Permit. The department is amending the name of the division and chapter; amending sections (1), (2), (4), and (5); adding a new section (6); and amending the Type I permit form and application which follow the rule in the *Code of State Regulations*.

PURPOSE: This amendment reflects the name change in the division and chapter; updates the forms and certain terminology; adds saliva as a biological matrix for the analysis of drugs; and refers to the permit application and forms within the rule itself.

(1) A Type I permit, **included herein**, authorizes an individual to perform analyses of blood, *[breath, urine and saliva]* **saliva, or urine** for blood alcohol content and to perform analyses of blood, **saliva**, or urine for the presence of drugs.

(2) An applicant for a Type I permit shall not be less than twenty-one (21) years of age and shall possess a baccalaureate degree in chemical, physical, or biological science from an accredited college or university or shall have at least two (2) years of relevant analytical experience and the equivalent of at least two (2) years of college-level education with at least half of the credit hours earned in the chemical, physical, or biological sciences. **The applicant shall also complete an application for a Type I permit, included herein.**

[(A) To perform tests using a breath analyzer, the applicant shall meet the requirements for operators of breath analyzers in 19 CSR 25-30.041.]

[(B)](A) To perform analyses of blood, *[urine or saliva]* **saliva, or urine** for blood alcohol content, the department shall send three (3) check specimens to the applicant for analysis. The applicant shall perform the analyses within the time set by the department. The results reported on the three (3) samples *[must]* **shall** be within five percent (5%) of the true value. A second set of three (3) check samples shall be sent to the applicant if the results from the first set were unsatisfactory. If the results from the second set of check samples are unsatisfactory, the department shall return the application. Any further efforts to meet this condition for completion of the application shall be made at the discretion of the department based on the nature

of the problem; the ability of the applicant; and the facility, equipment, and methods that were employed.

(B) Effective July 1, 2014, to perform analyses of blood, saliva, or urine for the presence of drugs, the applicant shall be an employee of a laboratory that holds a national accreditation through the College of American Pathologists (CAP), the American Board of Forensic Toxicologists (ABFT), or through the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/Lab). This accreditation shall include an annual forensic proficiency test on each biological matrix (blood, saliva, or urine) tested. A copy of the certification for each laboratory shall be supplied to the State Public Health Laboratory upon request.

(4) *[The Permittee Shall Make Request for Renewal of the Permit.*

(A) If the permittee is authorized to perform breath testing, the provisions for renewal of permits of 19 CSR 25-30.041(3) shall apply.

(B)] All provisions of subsection (2)*[(B)](A)* of this rule shall apply for renewal of a permit authorizing the analysis of blood, *[urine or saliva]* **saliva, or urine** for blood alcohol content. A set of three (3) check samples shall be satisfactorily analyzed during the last year of the current permit, **and the applicant shall complete an application for a Type I permit, included herein.**

(5) Type I permits issued *[before September 29, 1988]* **prior to the effective date of this rule** shall be considered valid under the conditions of this rule *[for determination of blood alcohol content. Individuals presently holding Type I permits who wish to perform analyses for drugs must apply for a new Type I permit].*

(6) Type I permit applications completed prior to the effective date of this rule shall be considered valid under the conditions of this rule.



STATE OF MISSOURI
DEPARTMENT OF HEALTH AND SENIOR SERVICES
BREATH ALCOHOL PROGRAM



**PERMIT
TYPE 1**

is hereby authorized to determine the content of _____
(TYPE IN "ALCOHOL" OR "DRUGS" OR BOTH)

from a sample of _____ utilizing approved standard chemical methods.
(TYPE IN "BLOOD," "SALIVA" OR "URINE")

Permit issued under the provisions of sections 577.020 through 577.041, RSMo and 306.111 through 306.119 RSMo.

DATE _____

DIRECTOR OF STATE PUBLIC HEALTH LABORATORY

NUMBER _____

EXPIRES _____

DIRECTOR OF DEPARTMENT OF HEALTH AND SENIOR SERVICES

MO 580-1242 (6-10)

LAB-2 (6-10)



STATE OF MISSOURI
DEPARTMENT OF HEALTH AND SENIOR SERVICES
BREATH ALCOHOL PROGRAM



**PERMIT
TYPE 1**

is hereby authorized to determine the content of _____
(TYPE IN "ALCOHOL" OR "DRUGS" OR BOTH)

from a sample of _____ utilizing approved standard chemical methods.
(TYPE IN "BLOOD," "SALIVA" OR "URINE")

Permit issued under the provisions of sections 577.020 through 577.041, RSMo and 306.111 through 306.119 RSMo.

DATE _____

DIRECTOR OF STATE PUBLIC HEALTH LABORATORY

NUMBER _____

EXPIRES _____

DIRECTOR OF DEPARTMENT OF HEALTH AND SENIOR SERVICES

MO 580-1242 (6-10)

LAB-2 (6-10)



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
STATE PUBLIC HEALTH LABORATORY
BREATH ALCOHOL PROGRAM
APPLICATION FOR TYPE I PERMIT

1

| | | | |
|---|---|---|--|
| THIS APPLICATION IS FOR <input type="checkbox"/> NEW PERMIT <input type="checkbox"/> RENEWAL | | CURRENT PERMIT NUMBER AND EXPIRATION DATE | |
| PRINT FULL NAME | | AGE | TELEPHONE NUMBER |
| SOCIAL SECURITY NUMBER | A disclosure concerning your SSN number is available at: http://www.health.mo.gov/lab/breathalcohol/ | | |
| ORGANIZATION | EMAIL ADDRESS | | |
| BUSINESS ADDRESS (STREET, CITY, STATE, ZIP CODE) | | | |
| DIRECTOR'S NAME | | TELEPHONE NUMBER | |
| ALCOHOL ANALYSIS: | | <input type="checkbox"/> BLOOD | <input type="checkbox"/> URINE <input type="checkbox"/> SALIVA |
| DRUG ANALYSIS: | | <input type="checkbox"/> BLOOD | <input type="checkbox"/> URINE <input type="checkbox"/> SALIVA |
| FOR DRUG TESTING ONLY | | | |
| PROVIDE NAME OF PROFICIENCY TESTING PROGRAM(S) YOUR FACILITY SUBSCRIBES TO | | | |
| EDUCATION | | | |
| COLLEGE OR UNIVERSITY | YEARS ATTENDED | HOURS QTRS/SEM. | MAJOR MINOR DEGREE GRADUATED |
| | | | |
| | | | |
| OTHER RELEVANT TRAINING | | | |
| COURSE OR PROGRAM TITLE | AGENCY OR INSTITUTION | | DATES |
| | | | |
| | | | |
| ANALYTICAL EXPERIENCE | | | |
| ORGANIZATION | | DATES EMPLOYED | |
| | | | |
| | | | |
| RESULTS OF SAMPLES FOR ANALYSIS: | | | |
| | | | |
| METHODS OF ANALYSIS USED | | | |
| DRUGS | | ALCOHOL | |
| <input type="checkbox"/> Enzyme Immunoassay (EIA) | <input type="checkbox"/> Gas Chromatography/Mass Spectrometry (GC/MS) | <input type="checkbox"/> Gas or Liquid Chromatography | |
| <input type="checkbox"/> Radioimmunoassay (RIA) | <input type="checkbox"/> Fluorescence Polarization Immunoassay (FPIA) | <input type="checkbox"/> Other _____ | |
| <input type="checkbox"/> Thin Layer Chromatography (TLC) | <input type="checkbox"/> Gas Chromatography (GC) | | |
| <input type="checkbox"/> High-Performance Liquid Chromatography (HPLC) | <input type="checkbox"/> Enzyme-Linked Immunosorbent Assay (ELISA) | | |
| <input type="checkbox"/> Liquid Chromatography/Mass Spectrometry (LC/MS) | <input type="checkbox"/> Other _____ | | |
| <input type="checkbox"/> Cloned Enzyme Donor Immunoassay (CEDIA) | | | |
| <input type="checkbox"/> Ultra-Violet/Visible Spectrophotometry (UV/Vis) | | | |
| SIGNATURE OF APPLICANT | | DATE | |
| | | | |
| RETURN COMPLETED APPLICATION TO THE: | | Breath Alcohol Program, Missouri Department of Health and Senior Services, Southeast District Office, 2875 James Boulevard, Poplar Bluff, MO 63901 | |

AUTHORITY: sections [192.005.2 and 577.020,] 192.006 and 577.026, [577.029, 577.031, 577.033, 577.039,] RSMo [1986] 2000, [577.023, 577.041, RSMo Supp. 1991] and sections 577.020 and 577.037, RSMo Supp. [1988] 2011. This rule previously filed as 19 CSR 20-30.021. Original rule filed July 15, 1988, effective Sept. 29, 1988. Changed to 19 CSR 25-30.021 Jan. 1, 1995. Amended: Filed May 31, 2012.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities approximately between three thousand eight hundred dollars and eight thousand dollars the first year (\$3800–\$8000) and between two thousand one hundred dollars and three thousand three hundred dollars (\$2100–\$3300) annually thereafter.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Health and Senior Services, State Public Health Laboratory, Bill Whitmar, Director, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:** Department of Health and Senior Services
Division Title: State Public Health Laboratory
Chapter Title: Determination of Blood Alcohol by Blood, Breath, Saliva and Urine Analysis; and Determination for the Presence of Drugs in Blood, Saliva and Urine

| | |
|------------------------------|--|
| Rule Number and Name: | 19 CSR 25-30.021; Type I Permit |
| Type of Rulemaking: | Proposed Amendment |

II. SUMMARY OF FISCAL IMPACT

| Estimate of the number of entities by class which would likely be affected by the adoption of the rule: | Classification by types of the business entities which would likely be affected: | Estimate in the aggregate as to the cost of compliance with the rule by the affected entities: |
|---|--|--|
| 1 | Private laboratories | \$3800 to \$8000 the first year, and an average of \$2100 to \$3300 annually thereafter |
| | | |
| | | |
| | | |

III. WORKSHEET

All three accrediting agencies being considered, the College of American Pathologists (CAP), the American Board of Forensic Toxicology (ABFT), and the American Society of Crime Lab Directors – Laboratory Accreditation Board (ASCLD-LAB), all require a \$500 application fee. CAP then requires a fee of \$3285 annually, while ASCLD-Lab requires approximately \$750 annually and an inspection every five years costing approximately \$7500, for an average annual cost of approximately \$2250. ABFT costs \$3500 the first year and \$500 the next, and continues on that cycle every two years, for an average cost of approximately \$2000 annually. Other costs associated with ABFT were not available at this time.

IV. ASSUMPTIONS

There is only one laboratory currently not accredited, but was preparing to work towards obtaining accreditation through one of these three entities when last contacted.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES**

**Division 25—[Division of Administration] State Public
Health Laboratory**

**Chapter 30—Determination of Blood Alcohol by Blood,
Breath, Saliva, and Urine Analysis; and Determination
for the Presence of Drugs in Blood, Saliva, and Urine**

PROPOSED AMENDMENT

19 CSR 25-30.031 Type II Permit. The department is amending the name of the division and chapter; amending sections (1)–(3) and (5)–(9), the application and permits forms, and Reports No. 4, 6, and 7 which follow in the *Code of State Regulations*; while deleting Reports No. 5, 8, and 9 which follow the rule in the *Code of State Regulations*; and adding new Reports No. 1, 2, and 3 to follow the rule in the *Code of State Regulations*.

PURPOSE: This amendment reflects the name change in the division and chapter; updates the forms and certain terminology; and adds maintenance report forms to reflect the new breath analyzers being added to 19 CSR 25-30.050.

(1) A Type II permit, **included herein**, authorizes an individual to operate a breath analyzer and to perform any of the following duties: to conduct training courses for the operation of breath analyzers that are approved by the department, to conduct training courses approved by the department to qualify for a Type II permit, to *[make]* **perform field service and repairs** on breath analyzers as indicated on the permit, to perform maintenance checks on breath analyzers as required by the department, and to supervise operators of breath analyzers.

(2) An applicant for a Type II permit shall not be less than twenty-one (21) years of age. In addition, the applicant successfully shall complete a training course approved by the department for obtaining a Type II permit **and complete an application for a Type II permit, included herein.**

(3) A Type II permittee shall perform maintenance checks on breath analyzers under his/her supervision at intervals not to exceed thirty-five (35) days. The permittee shall retain the original report of the maintenance check and submit a copy of the report so that it shall be received by the department within fifteen (15) days from the date the maintenance check was performed. In addition, maintenance checks shall be completed when—

(B) The instrument has been **serviced**, repaired, or recalibrated.

(5) To renew a Type II permit, the applicant shall have completed at least two (2) maintenance checks and at least ten (10) tests on drinking subjects, following the operational checklists, within the past year on each breath analyzer for which renewal is requested. If these conditions are not met or if the permit has expired for more than thirty (30) days, the applicant shall perform two (2) maintenance checks and five (5) *[subject]* **self-administered** tests for each breath analyzer for which renewal is requested. Copies of the maintenance checks and the operational checklists and printouts for the five (5) *[subject]* **self-administered** tests shall accompany the application for renewal.

(6) Type II permits issued *[before September 29, 1988,]* **prior to the effective date of this rule** shall be considered valid under the conditions of this rule.

(7) For the maintenance checks referred to in sections (3)–(5) of this rule, the appropriate maintenance report form for the specific instrument being checked shall be used—

(A) When performing a maintenance check on the *[CMI*

Intoxilyzer, Model 5000, Report No. 4 shall be used] **DataMaster DMT**, the report incorporated in the instrument software shall be used (see Report No. 1 included herein for example);

(B) When performing a maintenance check on the *[BAC Verifier, Report No. 5 shall be used]* **CMI Intoxilyzer 8000**, the report incorporated in the instrument software shall be used (see Report No. 2 included herein for example);

(C) When performing a maintenance check on the *[Data Master, Report No. 6 shall be used]* **Intox EC/IR II**, the report incorporated in the instrument software shall be used (see Report No. 3 included herein for example);

(D) When performing a maintenance check on the *[Alco-Sensor IV/RBT IV]* **CMI Intoxilyzer 5000**, Report No. *[7]* **4 included here-**in shall be used;

(E) When performing a maintenance check on the *[Intoxilyzer 1400]* **DataMaster**, Report No. *[8]* **6 included herein** shall be used; and

(F) When performing a maintenance check on the *[CMI Intoxilyzer 5000 CD]* **Alco-Sensor IV with printer**, Report No. *[9]* **7 included herein** shall be used.

(8) Maintenance report forms required in section (7) of this rule prior to *[June 7, 1993,]* **the effective date of this rule** and completed on maintenance checks before that date shall be considered valid under this rule.

(9) *[Maintenance reports completed before the effective date of this rule, including maintenance reports completed prior to March 26, 1996, and not having a certificate of analysis for the simulator solution, shall be considered valid under this rule.]* **Type II permit applications completed prior to the effective date of this rule shall be considered valid under the conditions of this rule.**



STATE OF MISSOURI
DEPARTMENT OF HEALTH AND SENIOR SERVICES
BREATH ALCOHOL PROGRAM



**PERMIT
TYPE II**

is hereby authorized to instruct and supervise operators, train instructors, inspect, calibrate, perform field service and repairs, and operate the following breath analyzer(s):

for the determination of the alcoholic content of blood from a sample of expired air. Permit issued under the provisions of sections 577.020 through 577.041, RSMo and 306.111 through 306.119 RSMo.

DATE _____

DIRECTOR OF STATE PUBLIC HEALTH LABORATORY

NUMBER _____

EXPIRES _____

DIRECTOR OF DEPARTMENT OF HEALTH AND SENIOR SERVICES

MO 580-0771 (6-10)

LAB-4 (R6-10)



STATE OF MISSOURI
DEPARTMENT OF HEALTH AND SENIOR SERVICES
BREATH ALCOHOL PROGRAM



**PERMIT
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DATE _____

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DIRECTOR OF DEPARTMENT OF HEALTH AND SENIOR SERVICES

MO 580-0771 (6-10)

LAB-4 (R6-10)



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
STATE PUBLIC HEALTH LABORATORY
BREATH ALCOHOL PROGRAM

2

APPLICATION FOR TYPE II PERMIT FOR OPERATION OF BREATH ALCOHOL ANALYZERS

| | | | | | |
|--|--------------------|---|---------------------------------|---|--------------------|
| THIS APPLICATION IS FOR <input type="checkbox"/> NEW PERMIT <input type="checkbox"/> RENEWAL | | CURRENT PERMIT NUMBER AND EXPIRATION DATE | | | |
| PRINT FULL NAME | | | TITLE | | AGE |
| SOCIAL SECURITY NUMBER | | A disclosure concerning your SSN number is available at: http://www.health.mo.gov/lab/breathalcohol/ | | | |
| DEPARTMENT OR TROOP | | | | TELEPHONE | |
| BUSINESS ADDRESS (STREET, CITY, STATE, ZIP CODE) | | | | | |
| EMAIL ADDRESS | | | | | |
| LIST ALL ORIGINAL TRAINING COURSES FOR OPERATION OF BREATH ANALYZERS (Also, please place a checkmark beside ALL breath analyzer(s) for which you are requesting a permit.) | | | | | |
| DATES OF COURSE | LOCATION OF COURSE | COURSE LENGTH (HRS.) | NAME & MODEL OF BREATH ANALYZER | PLACE # / INSTRUMENTS FOR WHICH YOU REQUEST | NAME OF INSTRUCTOR |
| | | | | <input type="checkbox"/> | |
| | | | | <input type="checkbox"/> | |
| | | | | <input type="checkbox"/> | |
| | | | | <input type="checkbox"/> | |
| List the manufacturer and name of instruments for which you are currently performing maintenance reports on and the number of maintenance reports performed on EACH type in the last year. | | | | | |
| MANUFACTURER AND NAME OF INSTRUMENT | | NUMBER OF MAINTENANCE REPORTS | | NUMBER OF SUBJECT TESTS | |
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| When adding a new instrument, you receive a new two (2) year permit. Therefore, normal renewal procedures apply for the instrument(s) on your current permit that you wish to transfer to the new permit. Disregarding these renewal procedures will result in a new permit for the new instrument only. | | | | | |
| To renew a Type II Permit, the applicant shall have completed two (2) Maintenance Reports and shall have performed at least ten (10) tests on drinking subjects in the past year on each instrument for which renewal is requested. If these conditions are not met, or the permit has expired for more than thirty (30) days, the applicant shall perform two (2) Maintenance Reports and five (5) self-administered tests for each breath analyzer for which renewal is requested. Copies of the Maintenance Reports along with the Operational checklists and printouts for the five (5) self-administered tests shall accompany the application for renewal. | | | | | |
| SIGNATURE OF APPLICANT ▶ | | | | DATE | |
| RETURN COMPLETED APPLICATION TO THE: Breath Alcohol Program, Missouri Department of Health and Senior Services Southeast District Office 2875 James Blvd. Poplar Bluff, MO 63901 | | | | | |



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
STATE PUBLIC HEALTH LABORATORY
BREATH ALCOHOL PROGRAM
DATAMASTER DMT MAINTENANCE REPORT

REPORT #1

Complete this report at the time of the regular monthly preventive maintenance check (not to exceed 35 days).
Complete this report whenever the instrument is serviced or repaired and whenever it is placed into service.
Retain the original and send a copy within 15 days to the Breath Alcohol Program, DHSS.

| | | |
|--|----------------|--------------------|
| DATAMASTER DMT SN | NAME OF AGENCY | DATE OF INSPECTION |
| LOCATION OF INSTRUMENT (STREET AND CITY) | | TIME OF INSPECTION |

CHECKLIST: Place a mark on the line by each item if found to be satisfactory or is operating within established limits. (Write in observed values where determined). Unmarked items must be corrected before using instrument.

☐ **DIAGNOSTIC RECORD**

| | |
|---|--|
| DATE AND TIME _____ | <input type="checkbox"/> DETECTOR |
| <input type="checkbox"/> PROGRAM | <input type="checkbox"/> FILTER 1 |
| <input type="checkbox"/> SAMPLE CHAMBER _____ | <input type="checkbox"/> FILTER 2 |
| <input type="checkbox"/> BREATH TUBE _____ | <input type="checkbox"/> FILTER 3 |
| <input type="checkbox"/> PUMP | <input type="checkbox"/> INTERNAL STANDARD |

BREATH ANALYZER ACCURACY STANDARDS

| | |
|--|---|
| <input type="checkbox"/> SIMULATOR SOLUTION | <input type="checkbox"/> COMPRESSED ETHANOL-GAS MIXTURE |
| <input type="checkbox"/> STANDARD SUPPLIER _____ | LOT # _____ EXP. DATE _____ |
| <input type="checkbox"/> SIMULATOR TEMP (34°C ± 0.2°C) _____ | SIMULATOR SN _____ SIMULATOR EXP DATE _____ |

☐ **CALIBRATION CHECK - (ONLY ONE STANDARD IS TO BE USED PER MAINTENANCE REPORT)**

Run three tests using a standard solution. All three tests must be within ±5% of the standard value and must have a spread of .005 or less. Mark the box corresponding to the standard solution being used.

- ☐ 0.10% STANDARD - MUST READ BETWEEN 0.095% AND 0.105% INCLUSIVE
☐ 0.08% STANDARD - MUST READ BETWEEN 0.076% AND 0.084% INCLUSIVE
☐ 0.04% STANDARD - MUST READ BETWEEN 0.038% AND 0.042% INCLUSIVE

| | | |
|---------|---------|---------|
| TEST 1: | TEST 2: | TEST 3: |
|---------|---------|---------|

☐ **PERFORM R.F.I. TEST**

INDICATE THE NUMBER OF BREATH TEST IN THE FOLLOWING RANGES SINCE THE LAST MAINTENANCE REPORT:

| | | | | | |
|----------|-------|---------|---------|---------|----------|
| REFUSALS | 0-.04 | .05-.09 | .10-.14 | .15-.19 | OVER .19 |
|----------|-------|---------|---------|---------|----------|

LIST ANY NEW PARTS AND DESCRIBE ANY ALTERATION OR MODIFICATION THAT WAS MADE TO RESTORE THE INSTRUMENT TO OPERATE SATISFACTORILY AND WITHIN ESTABLISHED LIMITS (USE OTHER SIDE IF NECESSARY)

INSPECTING OFFICER

| | |
|-----------------------|------------------|
| SIGNATURE | PRINT FULL NAME |
| TYPE II PERMIT NUMBER | TELEPHONE NUMBER |
| EXPIRATION DATE | |

RETURN COMPLETED REPORT TO THE

Breath Alcohol Program, Missouri Department of Health and Senior Services, Southeast District Office, 2875 James Blvd, Poplar Bluff, MO 63901



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
STATE PUBLIC HEALTH LABORATORY
CMI INTOXILYZER 8000 MAINTENANCE REPORT

REPORT #2

Complete this report in duplicate at the time of the regular monthly preventive maintenance check, and whenever instrument is repaired. Send one copy to Department of Health and Senior Services, and retain one copy in department file.

| | | | |
|--------------------------|------------------------|--------------------|--------------------|
| INSTRUMENT SERIAL NUMBER | LOCATION OF INSTRUMENT | DATE OF INSPECTION | TIME OF INSPECTION |
|--------------------------|------------------------|--------------------|--------------------|

CALIBRATION CHECK RESULTS

| TEST | g/210L | TIME |
|------|--------|------|
| | | |
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| | | |
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CALIBRATION CHECK SUMMARY

| | | |
|---------------------------------------|-------------------|-------------------------------|
| STANDARD TYPE | STANDARD LOT NO. | STANDARD EXPIRATION DATE |
| SIM TEMPERATURE | SIM SERIAL NUMBER | SIM CERTIFICATE EXPIRATION |
| STANDARD VALUE | STANDARD SUPPLIER | |
| CALIBRATION CHECK RESULT 1 | | |
| CALIBRATION CHECK RESULT 2 | | |
| CALIBRATION CHECK RESULT 3 | | |
| MAXIMUM DEVIATION (MUST BE WITHIN 5%) | | SPREAD (MUST BE .005 OR LESS) |

DIAGNOSTIC TEST RESULTS

Voltage/Current Test

RAM Test

EEPROM Checksum Test

Real Time Clock Test

DSP Test

Analytical Stability Test

Modem Test

Temperature Regulation Test

RFI TEST RESULTS

| TEST | g/210L | TIME |
|------|--------|------|
| | | |
| | | |
| | | |
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| | | |

NUMBER OF REFUSALS AND SUBJECT BREATH TESTS IN EACH RANGE SINCE LAST MAINTENANCE REPORT

| | | | | | |
|----------|---------|---------|---------|---------|----------|
| REFUSALS | .00-.04 | .05-.09 | .10-.14 | .15-.19 | OVER .19 |
|----------|---------|---------|---------|---------|----------|

List any new parts and describe any alteration or modification that was made to restore the instrument to operate satisfactorily and within established limits (use other side if necessary).

INSPECTING OFFICER

| | |
|-----------|------------|
| SIGNATURE | PRINT NAME |
|-----------|------------|

| | | |
|-----------------------|-----------------|------------------|
| TYPE II PERMIT NUMBER | EXPIRATION DATE | TELEPHONE NUMBER |
|-----------------------|-----------------|------------------|



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
STATE PUBLIC HEALTH LABORATORY
BREATH ALCOHOL PROGRAM
INTOX EC/IR II MAINTENANCE REPORT

REPORT #3

Complete this report at the time of the regular monthly preventive maintenance check (not to exceed 35 days).
Complete this report whenever the instrument is serviced or repaired and whenever it is placed into service.
Retain the original and send a copy within 15 days to the Breath Alcohol Program, DHSS.

| | | |
|--|----------------|--------------------|
| INTOX EC/IR II SN | NAME OF AGENCY | DATE OF INSPECTION |
| LOCATION OF INSTRUMENT (STREET AND CITY) | | TIME OF INSPECTION |

CHECKLIST: Place a mark in the box by each item if found to be satisfactory or is operating within established limits. (Write in observed values where determined). Unmarked items must be corrected before using instrument.

☐ **DIAGNOSTIC RECORD**

| | |
|--------------------------------------|---|
| <input type="checkbox"/> BLANK CHECK | <input type="checkbox"/> CO2 CHECK |
| <input type="checkbox"/> FC 1 TEMP | <input type="checkbox"/> FLOW CHECK |
| <input type="checkbox"/> SRC TEMP | <input type="checkbox"/> FCB CHECK |
| <input type="checkbox"/> DET TEMP | <input type="checkbox"/> CRC COMP CHECK |
| <input type="checkbox"/> BT TEMP | <input type="checkbox"/> CRC CAL CHECK |
| <input type="checkbox"/> STD 2 TEMP | <input type="checkbox"/> PRINT TEST |
| <input type="checkbox"/> ETH CHECK | DATE AND TIME _____ |

BREATH ANALYZER ACCURACY STANDARDS

| | |
|---|---|
| <input type="checkbox"/> SIMULATOR SOLUTION | <input type="checkbox"/> COMPRESSED ETHANOL-GAS MIXTURE |
| <input type="checkbox"/> STANDARD SUPPLIER _____ LOT # _____ EXP. DATE _____ | |
| <input type="checkbox"/> SIMULATOR TEMP (34°C ± 0.2°C) _____ | SIMULATOR SN _____ SIMULATOR EXP DATE _____ |
| <input type="checkbox"/> CALIBRATION CHECK - (ONLY ONE STANDARD IS TO BE USED PER MAINTENANCE REPORT) Run three tests using a standard solution. All three tests must be within ±5% of the standard value and must have a spread of .005 or less. Mark the box corresponding to the standard solution being used. (PRINTOUT ATTACHED) | |
| <input type="checkbox"/> 0.10% STANDARD - MUST READ BETWEEN 0.095% AND 0.105% INCLUSIVE | |
| <input type="checkbox"/> 0.08% STANDARD - MUST READ BETWEEN 0.076% AND 0.084% INCLUSIVE | |
| <input type="checkbox"/> 0.04% STANDARD - MUST READ BETWEEN 0.038% AND 0.042% INCLUSIVE | |

| | | |
|----------|----------|----------|
| TEST 1 ➡ | TEST 2 ➡ | TEST 3 ➡ |
|----------|----------|----------|

INDICATE THE NUMBER OF BREATH TEST IN THE FOLLOWING RANGES SINCE THE LAST MAINTENANCE REPORT:

| | | | | | |
|----------|-------|---------|---------|---------|----------|
| REFUSALS | 0-.04 | .05-.09 | .10-.14 | .15-.19 | OVER .19 |
|----------|-------|---------|---------|---------|----------|

LIST ANY NEW PARTS AND DESCRIBE ANY ALTERATION OR MODIFICATION THAT WAS MADE TO RESTORE THE INSTRUMENT TO OPERATE SATISFACTORILY AND WITHIN ESTABLISHED LIMITS (USE OTHER SIDE IF NECESSARY)

INSPECTING OFFICER

| | | |
|-----------------------|-----------------|------------------|
| SIGNATURE ▶ | PRINT FULL NAME | |
| TYPE II PERMIT NUMBER | EXPIRATION DATE | TELEPHONE NUMBER |

RETURN COMPLETED REPORT TO THE: Breath Alcohol Program, Missouri Department of Health and Senior Services
Southeast District Office
2875 James Blvd, Poplar Bluff, MO 63901



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
STATE PUBLIC HEALTH LABORATORY
BREATH ALCOHOL PROGRAM
CMI INTOXILYZER 5000 MAINTENANCE REPORT

REPORT #4

Complete this report at the time of the regular monthly preventive maintenance check (not to exceed 35 days).
Complete this report whenever the instrument is serviced or repaired and whenever it is placed into service.
Retain the original and send a copy within 15 days to the Breath Alcohol Program, DHSS.

| | | |
|--|----------------|--------------------|
| INTOXILYZER 5000 SN | NAME OF AGENCY | DATE OF INSPECTION |
| LOCATION OF INSTRUMENT (STREET AND CITY) | | TIME OF INSPECTION |

CHECKLIST: Place a mark by each item if found to be satisfactory or is operating within established limits. (Write in observed values where determined.) Unmarked items must be corrected before using instrument.

| |
|--|
| <input type="checkbox"/> DVM TEST: (.350 ± .150) _____ |
| <input type="checkbox"/> DIAGNOSTIC CHECK (PRINTOUT ATTACHED) _____ DATE AND TIME (FROM PRINTOUT) _____ |
| <input type="checkbox"/> CHARACTER DISPLAY TEST |
| <input type="checkbox"/> PRINT TEST (PRINTOUT ATTACHED) |
| <input type="checkbox"/> SIMULATOR SOLUTION SUPPLIER _____ LOT # _____ EXP. DATE _____ |
| <input type="checkbox"/> SIMULATOR TEMPERATURE (34°C ± 0.2°C) _____ SIMULATOR SN _____ EXP. DATE _____ |
| <input type="checkbox"/> CALIBRATION CHECK - (ONLY ONE STANDARD IS TO BE USED PER MAINTENANCE REPORT) |
| Run three tests using a standard solution. All three tests must be within ± 5% of the standard value and must have a spread of .005 or less. Mark the box corresponding to the standard solution being used. (PRINTOUT ATTACHED) |
| <input type="checkbox"/> 0.100% STANDARD - MUST READ BETWEEN 0.095% AND 0.105% INCLUSIVE |
| <input type="checkbox"/> 0.080% STANDARD - MUST READ BETWEEN 0.076% AND 0.084% INCLUSIVE |
| <input type="checkbox"/> 0.040% STANDARD - MUST READ BETWEEN 0.038% AND 0.042% INCLUSIVE |

| | | |
|----------|----------|----------|
| TEST 1 ➡ | TEST 2 ➡ | TEST 3 ➡ |
|----------|----------|----------|

☐ PERFORM RFI TEST (PRINTOUT ATTACHED)

**INDICATE THE NUMBER OF BREATH TESTS IN THE FOLLOWING RANGES SINCE THE LAST MAINTENANCE REPORT:
(DO NOT INCLUDE SELF-ADMINISTERED TESTS)**

| | | | | | |
|----------|-------|---------|---------|---------|----------|
| REFUSALS | 0-.04 | .05-.09 | .10-.14 | .15-.19 | Over .19 |
|----------|-------|---------|---------|---------|----------|

LIST ANY NEW PARTS AND DESCRIBE ANY ALTERATION OR MODIFICATION THAT WAS MADE TO RESTORE THE INSTRUMENT TO OPERATE SATISFACTORILY AND WITHIN ESTABLISHED LIMITS
(USE OTHER SIDE IF NECESSARY).

INSPECTING OFFICER

| | |
|---------------------------------------|------------------|
| SIGNATURE ▶ | PRINT FULL NAME |
| TYPE II PERMIT NUMBER/EXPIRATION DATE | TELEPHONE NUMBER |

RETURN COMPLETED REPORT TO THE: Breath Alcohol Program, Missouri Department of Health and Senior Services
Southeast District Office
2875 James Blvd.
Poplar Bluff, MO 63901



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
STATE PUBLIC HEALTH LABORATORY
BREATH ALCOHOL PROGRAM
DATAMASTER MAINTENANCE REPORT

REPORT #6

Complete this report at the time of the regular monthly preventive maintenance check (not to exceed 35 days).
Complete this report whenever the instrument is serviced or repaired and whenever it is placed into service.
Retain the original and send a copy within 15 days to the Breath Alcohol Program, DHSS.

| | | |
|--|----------------|--------------------|
| DATAMASTER SN | NAME OF AGENCY | DATE OF INSPECTION |
| LOCATION OF INSTRUMENT (STREET AND CITY) | | TIME OF INSPECTION |

CHECKLIST: Place a mark in the box by each item if found to be satisfactory or if operating within established limits. (Write in observed values where determined.) Unmarked items must be corrected before using instrument.

| | |
|--|--|
| <input type="checkbox"/> DIAGNOSTIC CHECK (PRINTOUT ATTACHED) | DATE AND TIME (from printout) _____ |
| <input type="checkbox"/> COMPUTER | <input type="checkbox"/> DETECTOR |
| <input type="checkbox"/> PROGRAM | <input type="checkbox"/> FILTERS |
| <input type="checkbox"/> HEATERS SAMPLE CHAMBER _____ °C | <input type="checkbox"/> QUARTZ STANDARD |
| <input type="checkbox"/> FLOW DETECTOR | <input type="checkbox"/> CALIBRATION |
| <input type="checkbox"/> PUMP HIGH SPEED | <input type="checkbox"/> PRINTER |
| <input type="checkbox"/> INDICATOR LIGHTS | |
| <input type="checkbox"/> SIMULATOR SOLUTION SUPPLIER _____ LOT # _____ EXP. DATE _____ | |
| <input type="checkbox"/> SIMULATOR TEMP (34°C ± 0.2°C) _____ °C SIMULATOR SN _____ EXP. DATE _____ | |

☐ **CALIBRATION CHECK – (ONLY ONE STANDARD IS TO BE USED PER MAINTENANCE REPORT)**

Run three tests using a standard solution. All three tests must be within ±5% of the standard value and must have a spread of .005 or less. Mark the box corresponding to the standard solution being used. (PRINTOUT ATTACHED)

- ☐ 0.100% STANDARD - MUST READ BETWEEN 0.095% AND 0.105% INCLUSIVE
☐ 0.080% STANDARD - MUST READ BETWEEN 0.076% AND 0.084% INCLUSIVE
☐ 0.040% STANDARD - MUST READ BETWEEN 0.038% AND 0.042% INCLUSIVE

| | | |
|----------|----------|----------|
| TEST 1 ➡ | TEST 2 ➡ | TEST 3 ➡ |
|----------|----------|----------|

☐ PERFORM R.F.I. TEST (PRINTOUT ATTACHED)

**INDICATE THE NUMBER OF BREATH TESTS IN THE FOLLOWING RANGES SINCE THE LAST MAINTENANCE REPORT:
(DO NOT INCLUDE SELF-ADMINISTERED TESTS)**

| | | | | | |
|----------|---------|-----------|-----------|-----------|----------|
| REFUSALS | (0-.04) | (.05-.09) | (.10-.14) | (.15-.19) | OVER .19 |
|----------|---------|-----------|-----------|-----------|----------|

LIST ANY NEW PARTS AND DESCRIBE ANY ALTERATION OR MODIFICATION THAT WAS MADE TO RESTORE THE INSTRUMENT TO OPERATE SATISFACTORILY AND WITHIN ESTABLISHED LIMITS (USE OTHER SIDE IF NECESSARY).

INSPECTING OFFICER

| | |
|---------------------------------------|------------------|
| SIGNATURE ▶ | PRINT FULL NAME |
| TYPE II PERMIT NUMBER/EXPIRATION DATE | TELEPHONE NUMBER |

RETURN COMPLETED REPORT TO THE: Breath Alcohol Program, MO Department of Health and Senior Services, Southeast District Office
2875 James Blvd.
Poplar Bluff, MO 63901



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
STATE PUBLIC HEALTH LABORATORY
ALCO-SENSOR IV WITH PRINTER MAINTENANCE REPORT

REPORT #7

Complete this report in duplicate at the time of the regular monthly preventative maintenance check, and whenever instrument is repaired. Send copy to Department of Health and Senior Services; retain original in department file.

| | | |
|--|------------|--------------------|
| ALCO SENSOR IV SN | PRINTER SN | DATE OF INSPECTION |
| LOCATION OF INSTRUMENT (STREET AND CITY) | | TIME OF INSPECTION |

CHECKLIST: Place a mark in the box by each item if found to be satisfactory or if operating within established limits. (Write in observed values where determined.) Unmarked items must be corrected before using instrument.

☐ DIGITAL READOUT (ALL ELEMENTS OPERATIONAL)

☐ TEMPERATURE OF ALCO SENSOR (10°C - 40°C)

☐ PRINTER WORKING PROPERLY

☐ TIME AND DATE DISPLAYING PROPERLY

BREATH ALCOHOL ACCURACY STANDARDS

☐ SIMULATOR SOLUTION

☐ COMPRESSED ETHANOL-GAS MIXTURE

☐ STANDARD SUPPLIER _____ LOT # _____ EXP. DATE _____

☐ SIMULATOR TEMPERATURE (34°C ± 0.2°C) _____ SIMULATOR SN _____ SIMULATOR EXP DATE _____

☐ CALIBRATION CHECK - (ONLY ONE STANDARD IS TO BE USED PER MAINTENANCE REPORT)

Run three tests using a standard solution. All three tests must be within ±5% of the standard value and must have a spread of .005 or less. Check the box corresponding to the standard solution being used. (PRINTOUT ATTACHED)

☐ 0.100% STANDARD - MUST READ BETWEEN 0.095% and 0.105% INCLUSIVE

☐ 0.080% STANDARD - MUST READ BETWEEN 0.076% and 0.084% INCLUSIVE

☐ 0.040% STANDARD - MUST READ BETWEEN 0.038% and 0.042% INCLUSIVE

TEST 1

TEST 2

TEST 3

☐ RFI DETECTOR OPERATING

**INDICATE THE NUMBER OF BREATH TESTS IN THE FOLLOWING RANGES SINCE THE LAST MAINTENANCE REPORT:
(DO NOT INCLUDE SELF-ADMINISTERED TESTS)**

REFUSALS

(0-.04)

(.05-.09)

(.10-.14)

(.15-.19)

(OVER .19)

List any new parts and describe any alteration or modification that was made to restore the instrument to operate satisfactorily and within established limits (use other side if necessary).

INSPECTING OFFICER

SIGNATURE

PRINT NAME

TYPE II PERMIT NUMBER/EXPIRATION DATE

TELEPHONE NUMBER

Return completed report to the: Breath Alcohol Program, MO Department of Health and Senior Services, Southeast District Office
2875 James Boulevard
Poplar Bluff, MO 63901

AUTHORITY: sections 192.006 and 577.026, RSMo 2000, and 306.114, 306.117, 577.020 and [577.041] 577.037, RSMo Supp. [1997 and 577.026, RSMo 1994] 2011. This rule previously filed as 19 CSR 20-30.031. Original rule filed July 15, 1988, effective Sept. 29, 1988. For intervening history, please consult the Code of State Regulations. Amended: Filed May 31, 2012.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Bill Whitmar, Director, Missouri Department of Health and Senior Services, State Public Health Laboratory, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 25—[Division of Administration] State Public Health Laboratory

Chapter 30—Determination of Blood Alcohol by Blood, Breath, Saliva, and Urine Analysis; and Determination for the Presence of Drugs in Blood, Saliva, and Urine

PROPOSED AMENDMENT

19 CSR 25-30.041 Type III Permit. The department is amending the name of the division and chapter; amending sections (1)–(4); adding a new section (5); and amending the Type III permit form and application which follow the rule in the *Code of State Regulations*.

PURPOSE: This amendment reflects the name change in the division and chapter; updates the forms and certain terminology; and refers to the permit application and forms within the rule itself.

(1) A Type III permit, **included herein**, authorizes an individual to operate breath analyzers.

(2) An applicant for a Type III permit shall not be less than twenty-one (21) years of age. The applicant shall have successfully completed a training course approved by the department for operation of breath analyzers or shall offer proof of equivalent qualifications to the satisfaction of the department. **The applicant must also complete an application for a Type III permit, included herein.**

(3) To renew a Type III permit, the applicant shall have performed at least ten (10) tests on drinking subjects in the past year on each instrument for which renewal is requested. If this condition is not met or the permit has expired for more than thirty (30) days, the applicant shall complete a two- (2-) /hour refresher training course under the supervision of an individual with a valid Type II permit. The refresher training course shall include the performance of the five (5) *[subject]* **self-administered** tests for each breath analyzer for which renewal is requested. Copies of the completed operational checklists and printout for the *[subject]* **self-administered** tests shall accompany the renewal application.

(4) Type III permits issued *[before September 29, 1988,]* **prior to the effective date of this rule** shall be considered valid under the conditions of this rule.

(5) Type III permit applications completed prior to the effective date of this rule shall be considered valid under the conditions of this rule.



STATE OF MISSOURI
DEPARTMENT OF HEALTH AND SENIOR SERVICES
BREATH ALCOHOL PROGRAM



PERMIT
TYPE III

is hereby authorized to operate the following breath analyzer(s):

For the determination of the alcoholic content of blood from a sample of expired air. Permit issued under the provisions of sections 577.020 through 577.041, RSMo and 306.111 through 306.119 RSMo.

DATE _____

DIRECTOR OF STATE PUBLIC HEALTH LABORATORY

NUMBER _____

EXPIRES _____

DIRECTOR OF DEPARTMENT OF HEALTH AND SENIOR SERVICES

MO 580-0772 (6-10)

LAB-6 (R6-10)



STATE OF MISSOURI
DEPARTMENT OF HEALTH AND SENIOR SERVICES
BREATH ALCOHOL PROGRAM



PERMIT
TYPE III

is hereby authorized to operate the following breath analyzer(s):

for the determination of the alcoholic content of blood from a sample of expired air. Permit issued under the provisions of sections 577.020 through 577.041, RSMo and 306.111 through 306.119 RSMo.

DATE _____

DIRECTOR OF STATE PUBLIC HEALTH LABORATORY

NUMBER _____

EXPIRES _____

DIRECTOR OF DEPARTMENT OF HEALTH AND SENIOR SERVICES

MO 580-0772 (6-10)

LAB-6 (R6-10)

3



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
STATE PUBLIC HEALTH LABORATORY
BREATH ALCOHOL PROGRAM

APPLICATION FOR TYPE III PERMIT FOR OPERATION OF BREATH ALCOHOL ANALYZERS

| THIS APPLICATION IS FOR <input type="checkbox"/> NEW PERMIT <input type="checkbox"/> RENEWAL | | CURRENT PERMIT NUMBER AND EXPIRATION DATE | EMAIL ADDRESS FOR COMPLETED PERMIT | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|-------------------------|---|------------------------------------|---|--------------------|-------------------------|----------------------|---------------------------------|---|--------------------|--|--------------------------|----|--|--------------------------|--------------------------|----|--|--|--------------------------|--------------------------|--|--|--|--|--|--------------------------|--|
| PRINT FULL NAME | | TITLE | AGE | | | | | | | | | | | | | | | | | | | | | | | | | |
| SOCIAL SECURITY NUMBER | | A disclosure concerning your SSN number is available at: http://www.health.mo.gov/lab/breathalcohol/ | | | | | | | | | | | | | | | | | | | | | | | | | | |
| DEPARTMENT OR TROOP | | | TELEPHONE | | | | | | | | | | | | | | | | | | | | | | | | | |
| BUSINESS ADDRESS (STREET, CITY, STATE, ZIP CODE) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p align="center">LIST ALL ORIGINAL TRAINING COURSES FOR OPERATION OF BREATH ANALYZERS. (Also, please be sure an <input checked="" type="checkbox"/> is placed beside ALL breath analyzer(s) for which you are requesting a permit.)</p> <table border="1"> <thead> <tr> <th>DATES OF COURSE</th> <th>LOCATION OF COURSE</th> <th>COURSE LENGTH (HRS.)</th> <th>NAME & MODEL OF BREATH ANALYZER</th> <th>PLACE AN <input checked="" type="checkbox"/> BESIDE INSTRUMENTS FOR WHICH YOU ARE REQUESTING A PERMIT</th> <th>NAME OF INSTRUCTOR</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td align="center"><input type="checkbox"/></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td align="center"><input type="checkbox"/></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td align="center"><input type="checkbox"/></td> <td></td> </tr> </tbody> </table> | | | | | DATES OF COURSE | LOCATION OF COURSE | COURSE LENGTH (HRS.) | NAME & MODEL OF BREATH ANALYZER | PLACE AN <input checked="" type="checkbox"/> BESIDE INSTRUMENTS FOR WHICH YOU ARE REQUESTING A PERMIT | NAME OF INSTRUCTOR | | | | | <input type="checkbox"/> | | | | | | <input type="checkbox"/> | | | | | | <input type="checkbox"/> | |
| DATES OF COURSE | LOCATION OF COURSE | COURSE LENGTH (HRS.) | NAME & MODEL OF BREATH ANALYZER | PLACE AN <input checked="" type="checkbox"/> BESIDE INSTRUMENTS FOR WHICH YOU ARE REQUESTING A PERMIT | NAME OF INSTRUCTOR | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | |
| <p align="center">IF THIS IS AN APPLICATION FOR A NEW PERMIT, INCLUDE A COPY OF APPLICANT'S EXAM</p> <p>IF THIS IS A RENEWAL APPLICATION, AND/OR YOU ARE ADDING A NEW INSTRUMENT TO YOUR CURRENT PERMIT, READ THE FOLLOWING INSTRUCTIONS AND PROVIDE THE FOLLOWING ADDITIONAL INFORMATION:</p> <p>When adding a new instrument, you receive a new two (2) year permit. Therefore, normal renewal procedures apply for the instrument(s) on your current permit that you wish to transfer to the new permit. Disregarding these renewal procedures will result in a new permit for the new instrument only.</p> <p>To renew a Type III Permit, the applicant shall have performed at least ten (10) tests on drinking subjects in the past year on each instrument for which renewal is requested. If this condition is not met or the permit has expired for more than thirty (30) days, the applicant shall complete a two (2) hour refresher-training course under the supervision of an individual with a valid Type II Permit. The refresher-training course shall include the performance of five (5) self-administered tests for each breath analyzer for which renewal is requested. Copies of the completed operational checklists and printouts for the self-administered tests shall accompany the renewal application.</p> <table border="1"> <thead> <tr> <th>NAME OF INSTRUMENT</th> <th>NUMBER OF SUBJECT TESTS</th> <th>NUMBER OF SELF-TESTS</th> <th>REFRESHER TRAINING COMPLETE</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td></td> <td></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>2.</td> <td></td> <td></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>3.</td> <td></td> <td></td> <td align="center"><input type="checkbox"/></td> </tr> </tbody> </table> | | | | | NAME OF INSTRUMENT | NUMBER OF SUBJECT TESTS | NUMBER OF SELF-TESTS | REFRESHER TRAINING COMPLETE | 1. | | | <input type="checkbox"/> | 2. | | | <input type="checkbox"/> | 3. | | | <input type="checkbox"/> | | | | | | | | |
| NAME OF INSTRUMENT | NUMBER OF SUBJECT TESTS | NUMBER OF SELF-TESTS | REFRESHER TRAINING COMPLETE | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. | | | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2. | | | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. | | | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | |
| SIGNATURE OF APPLICANT | | | DATE | | | | | | | | | | | | | | | | | | | | | | | | | |
| RECOMMENDATION OF SUPERVISOR TYPE II | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>I certify that _____ is qualified to operate the breath analyzer instrument(s) as requested in this application. (PRINT TYPE III APPLICANT FULL NAME)</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PRINT TYPE II APPLICANT FULL NAME | | | BUSINESS PHONE | | | | | | | | | | | | | | | | | | | | | | | | | |
| SIGNATURE OF TYPE II PERMITTEE | | | PERMIT NUMBER/EXPIRATION DATE | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>RETURN COMPLETED APPLICATION TO THE: Breath Alcohol Program, MO Department of Health and Senior Services, Southeast District Office 2875 James Blvd. Poplar Bluff, MO 63901</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

AUTHORITY: sections [192.005.2, 577.023,] 192.006 and 577.026, [577.029, 577.031, 577.033 and 577.039,] RSMo [1994] 2000, and [192.006,] 306.114, 306.117, 577.020, and 577.037, [577.039 and 577.041,] RSMo Supp. [1997] 2011. This rule previously filed as 19 CSR 20-30.041. Original rule filed July 15, 1988, effective Sept. 29, 1988. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 31, 2012.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Health and Senior Services, State Public Health Laboratory, Bill Whitmar, Director, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 25—[Division of Administration] State Public Health Laboratory

Chapter 30—Determination of Blood Alcohol by Blood, Breath, Saliva, and Urine Analysis; and Determination for the Presence of Drugs in Blood, Saliva, and Urine

PROPOSED AMENDMENT

19 CSR 25-30.050 Approved Breath Analyzers. The department is amending the name of the division; the title of the chapter; the rule purpose; and sections (1), (2), and (3).

PURPOSE: This amendment removes one (1) breath analyzer, the BAC Verifier, from the list of approved breath analyzers. The BAC Verifier is no longer in production and is not used in our state. It also adds three (3) new breath analyzers to the list of approved breath analyzers, the Intox EC/IR II, the Intoxilyzer 8000, and the DataMaster DMT. It also updates terminology and reflects the name change of the division.

PURPOSE: This rule enumerates those breath analyzers[, chemical reagents] which are approved by the Department of Health and Senior Services for the determination of the alcoholic content of blood from a sample of expired [(alveolar)] air. [The chemical composition and tolerances for the test ampoules are also defined.]

(1) Approved breath analyzers are—

| NAME OR ITEM | MANUFACTURER |
|---|---|
| Alco-Sensor IV with printer[*] and Intox EC/IR II | Intoximeters, Inc., St. Louis, MO |
| BAC [Verifier and] DataMaster and DataMaster DMT | National Patent Analytical Systems, Inc., Mansfield, OH (formerly a subsidiary of National Patent Development Corporation, East Hartford, CT, formerly Verax Systems, Inc., Fairport, NY) |

Intoxilyzer, Model 5000 and Intoxilyzer, Model 8000

CMI/MPH, Operations of MPD, Inc., Owensboro, KY (formerly CMI, Inc., a subsidiary of Federal Signal Corp., Minturn, CO)

[*The Alco-Sensor IV with printer is approved for use as a bench-top instrument to be located within buildings or specially equipped trucks or vans specifically used for driving-while-intoxicated enforcement. This instrument is not approved for mobile use in cars, boats, or outside areas.]

(2) [Subject tests and maintenance reports performed on the Breathalyzer 900 and 900A, the Alco-Analyzer 2000, and the Intoximeter 3000 prior to the effective date of this rule shall be considered valid. Chemical test ampoules, used in the Breathalyzer 900 and 900A, prior to the effective date of this rule shall be considered valid.] Breath analyzers are to be used within buildings or vehicles specifically used for driving-while-intoxicated enforcement. These breath analyzers are not approved for mobile use in boats or in outside areas.

(3) [Breath tests performed on the Alco-Sensor IV/RBT IV prior to the effective date of this rule shall be considered valid under this rule if such tests were completed in compliance with the rules in effect at the time the test was conducted.] Maintenance checks and breath tests performed on previously approved breath analyzers prior to the effective date of this rule shall be considered valid under this rule if such tests were completed in compliance with the rules in effect at the time the test was conducted.

AUTHORITY: sections 192.006[, 306.114, 306.117, 577.020, 577.023,] and 577.026, [577.029, 577.031, 577.033, 577.037, 577.039 and 577.041,] RSMo 2000, and 306.114, 306.117, 577.020, and 577.037, RSMo Supp. 2011. This rule was previously filed as 13 CSR 50-140.050 and 19 CSR 20-30.050. Original rule filed Oct. 1, 1965, effective Oct. 13, 1965. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 31, 2012.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Bill Whitmar, Director, Missouri Department of Health and Senior Services, State Public Health Laboratory, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 25—[Division of Administration] State Public Health Laboratory

Chapter 30—Determination of Blood Alcohol by Blood, Breath, Saliva, and Urine Analysis; and Determination for the Presence of Drugs in Blood, Saliva, and Urine

PROPOSED AMENDMENT

19 CSR 25-30.051 [Standard Simulator Solutions] Breath Analyzer Calibration and Accuracy Verification Standards. The

department is amending the name of the division and chapter; the title of the rule; the rule purpose; adding a new section (1); renumbering current section (1) as section (2); deleting current section (2); adding new sections (4)–(7); and renumbering section (4) as section (8) and amending the section.

PURPOSE: This amendment changes the name of the division, chapter, title, and purpose of the rule and adds compressed ethanol-gas mixtures as an option for accuracy checks and instrument calibrations in addition to standard simulator solutions. It also makes it necessary for simulators to be recalibrated annually and adds 0.08% as another concentration level available for performing accuracy checks and instrument recalibrations.

PURPOSE: This rule defines the standard simulator solutions or compressed ethanol-gas mixtures to be used in verifying and calibrating breath analyzers, as well as the annual checks required on simulators used in conjunction with the standard simulator solution.

(1) Standards used for the purpose of verifying and calibrating breath analyzers shall consist of standard simulator solutions or compressed ethanol-gas standard mixtures.

[(1)](2) Standard simulator solutions, used to verify and calibrate evidential breath analyzers [at the 0.10% or 0.100% level,] shall be solutions from approved suppliers. The standard simulator solutions used shall have a vapor concentration within five percent (5%) of the following values:

- (A) 0.10%;*
- (B) 0.08%; and*
- (C) 0.04%.*

[(2) Standard simulator solutions, used to verify and calibrate evidential breath analyzers at the 0.04% or 0.040% level, shall be solutions from approved suppliers.]

(4) Any breath alcohol simulator used in the verification or calibration of evidential breath analyzers with the standard simulator solutions referred to in sections (2) and (3) of this rule shall be certified against a National Institute of Standards and Technology (NIST) traceable reference thermometer or thermocouple between January 1, 2013, and December 31, 2013, and annually thereafter.

(5) Compressed ethanol-gas standard mixtures used to verify and calibrate evidential breath analyzers shall be mixtures provided from approved suppliers. The compressed ethanol-gas mixtures used shall have a concentration within five percent (5%) of the following values:

- (A) 0.10%;**
- (B) 0.08%; and**
- (C) 0.04%.**

(6) Approved suppliers of standard compressed ethanol-gas mixtures are:

- (A) Intoximeters, Inc.**
St. Louis, MO 63114
- (B) CMI, Inc.**
Owensboro, KY 42303
- (C) Draeger Safety Diagnostic, Inc.**
Durango, CO 81303-7911
- (D) ILMO Products Company, Inc.**
Jacksonville, IL 62651-0790

(7) Compressed ethanol-gas mixtures shall only be used to verify and calibrate evidential breath analyzers listing compressed ethanol-gas mixtures as an option during the maintenance check

(see 19 CSR 25-30.031).

[(4)](8) Maintenance reports [using Intoximeter standard simulator solution] completed prior to the effective date of this rule shall be considered valid under this rule if the maintenance report was completed in compliance with the rules in effect at the time the maintenance was conducted.

AUTHORITY: sections 192.006 and 577.026, RSMo 2000, and 577.020 and 577.037, RSMo Supp. [2003] 2011. Emergency rule filed Aug. 22, 1997, effective Sept. 1, 1997, expired Feb. 27, 1998. Original rule filed Aug. 25, 1997, effective Feb. 28, 1998. For intervening history, please consult the Code of State Regulations. Amended: Filed May 31, 2012.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately three thousand nine hundred dollars (\$3,900) in the aggregate annually.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Bill Whitmar, Director, Missouri Department of Health and Senior Services, State Public Health Laboratory, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Health and Senior Services
Division Title: State Public Health Laboratory
Chapter Title: Determination of Blood Alcohol by Blood, Breath, Saliva and Urine
Analysis; and Determination for the Presence of Drugs in Blood, Saliva and Urine**

| | |
|------------------------------|--|
| Rule Number and Name: | 19 CSR 25-30.051; Breath Analyzer Calibration and Accuracy Verification Standards |
| Type of Rulemaking: | Proposed Amendment |

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|---|--|
| 325 – Law Enforcement Agencies | \$3,900 annually in the aggregate |
| | |
| | |

III. WORKSHEET

This is the cost associated with mailing the agency's simulator to a location capable of performing the annual recertification of the simulator's thermometer or thermocouple.

Approximately 325 agencies at \$6 each way for mailing, or an aggregate cost of approximately \$3,900 annually.

IV. ASSUMPTIONS

This assumes that each and every one of the simulators in use by law enforcement agencies would have to be sent via mail. In practice, a substantial portion of these simulators will be sent in when an instrument needs service, or will be brought with officers to appropriate recertification locations when they go normally for training and other associated activities.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES**

**Division 25—[Division of Administration] State Public
Health Laboratory**

**Chapter 30—Determination of Blood Alcohol by Blood,
Breath, Saliva, and Urine Analysis; and Determination
for the Presence of Drugs in Blood, Saliva, and Urine**

PROPOSED AMENDMENT

19 CSR 25-30.060 Operating Procedures for Breath Analyzers.

The department is amending the name of the division and chapter, the rule purpose, and sections (1)–(7) and (9) and adding section (10). The department is also amending forms #5, #7, and #8; adding three (3) new forms #11, #12, and #13; and deleting forms #6, #9, and #10 which follow the rule in the *Code of State Regulations*.

PURPOSE: This amendment amends the name of the division and chapter and the rule purpose, and establishes an operational checklist including certification by the operator for each of the approved breath analyzers in 19 CSR 25-30.050. It amends old forms by correcting the name of the department and adds additional quality assurance checks. It adds additional restrictions to the operation of one (1) instrument, adds new forms for the additions to 19 CSR 25-30.050, and deletes forms that are no longer in use.

PURPOSE: This rule establishes an operational checklist (including certification by the operator) for each of the approved breath analyzers in 19 CSR 25-30.050. Prosecuting attorneys have requested that these procedures be included as a rule so they can be introduced in court to show that operators of breath analyzers have adhered strictly to the operating procedures set forth and approved by the Department of Health and Senior Services.

(1) When using Intoxilyzer, Model 5000, the procedures on the [following] form **included herein** shall be performed and the form shall be completed (see form #5).

(2) When using [BAC Verifier] **DataMaster**, the procedures on the [following] form **included herein** shall be performed and the form shall be completed (see form # [6] 7).

(3) When using [Data Master] **Alco-Sensor IV with printer**, the procedures on the [following] form **included herein** shall be performed and the form shall be completed (see form # [7] 8).

(4) When using [Alco-Sensor IV/RBT IV] **DataMaster DMT**, the procedures on the [following] form **incorporated within the instrument software** shall be performed and the form shall be completed (see form # [8] 11 **included herein for example**).

(5) When using Intoxilyzer [1400], **Model 8000**, the procedures on the [following] form **incorporated within the instrument software** shall be performed and the form shall be completed (see form # [9] 12 **included herein for example**).

(6) When using [Intoxilyzer, Model 5000 CD] **Intox EC/IR II**, the procedures on the [following] form **incorporated within the instrument software** shall be performed and the form shall be completed (see form # [10] 13 **included herein for example**).

(7) The fifteen- (15-)/minute observation of the subject, which is the [first] **second** procedure on the forms in sections (1)–(6) of this rule, [may] **shall** be done by [the operator of the breath analyzer, the arresting officer or by any other competent individual.] **a current Type II or Type III permit holder. The observation period is intended to ensure that any alcohol in a test subject's mouth has time to dissipate before a breath sample is taken**

so that mouth alcohol does not affect the accuracy of a test result. A fifteen- (15-) minute observation period is deemed to be sufficient for the dissipation of any mouth alcohol to a reasonable degree of scientific certainty.

(9) Operational Checklists and breath tests completed prior to the effective date of this rule shall be considered valid **if such tests were completed in compliance with the rules in effect at the time the test was conducted.**

(10) When using the Alco-Sensor IV with printer, the use of the **Manual button shall not be allowed to obtain a breath alcohol test result from a subject. Any subject breath test conducted with the Manual button prior to the effective date of this rule shall be considered valid under this rule if such tests were completed in compliance with the rules in effect at the time the test was conducted.**

MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
BLOOD ALCOHOL TEST REPORT - INTOXILYZER 5000

FORM #5

| | | | |
|---|------------------------|------------------|--|
| SUBJECT'S NAME | DATE OF TEST | | |
| OPERATIONAL CHECKLIST: INTOXILYZER 5000 | | | |
| SERIAL NUMBER | LOCATION OF INSTRUMENT | | |
| <p><input type="checkbox"/> 1. Examination of mouth conducted. If any substance is observed or indicated to be present, the substance observed or indicated must be removed prior to starting the 15 minute observation period.</p> <p><input type="checkbox"/> 2. Subject observed for at least 15 minutes by _____ No smoking, oral intake or vomiting during this time; if vomiting occurs, start over with the 15 minute observation period.</p> <p><input type="checkbox"/> 3. Assume that the power switch is ON and then press the START TEST button.</p> <p><input type="checkbox"/> 4. Enter test record card.</p> <p><input type="checkbox"/> 5. Enter subject and officer information</p> <p><input type="checkbox"/> 6. When display reads PLEASE BLOW, insert mouthpiece and take the subject's breath sample.</p> <p><input type="checkbox"/> 7. When test record is printed, remove test record and attach printout to this report.</p> | | | |
| CERTIFICATION BY OPERATOR | | BAC | |
| <p>As set forth in the rules promulgated by the Department of Health and Senior Services related to the determination of blood alcohol by breath analysis, I certify that:</p> <p><input type="checkbox"/> 1. There was no deviation from the procedure approved by the department.</p> <p><input type="checkbox"/> 2. To the best of my knowledge the instrument was functioning properly.</p> <p><input type="checkbox"/> 3. I am authorized to operate the instrument.</p> <p><input type="checkbox"/> 4. No radio transmission occurred inside the room where and when this test was being conducted.</p> | | | |
| NAME OF OPERATOR | PERMIT NO. | EXPIRATION DATE | |
| WITNESS (IF ANY) | | DATE | |
| MO 580-1212 (4-12) | | LAB 107A (R4-12) | |
| AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER services provided on a nondiscriminatory basis | | | |

MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
BLOOD ALCOHOL TEST REPORT - INTOXILYZER 5000

FORM #5

| | | | |
|---|------------------------|------------------|--|
| SUBJECT'S NAME | DATE OF TEST | | |
| OPERATIONAL CHECKLIST: INTOXILYZER 5000 | | | |
| SERIAL NUMBER | LOCATION OF INSTRUMENT | | |
| <p><input type="checkbox"/> 1. Examination of mouth conducted. If any substance is observed or indicated to be present, the substance observed or indicated must be removed prior to starting the 15 minute observation period.</p> <p><input type="checkbox"/> 2. Subject observed for at least 15 minutes by _____ No smoking, oral intake or vomiting during this time; if vomiting occurs, start over with the 15 minute observation period.</p> <p><input type="checkbox"/> 3. Assume that the power switch is ON and then press the START TEST button.</p> <p><input type="checkbox"/> 4. Enter test record card.</p> <p><input type="checkbox"/> 5. Enter subject and officer information</p> <p><input type="checkbox"/> 6. When display reads PLEASE BLOW, insert mouthpiece and take the subject's breath sample.</p> <p><input type="checkbox"/> 7. When test record is printed, remove test record and attach printout to this report.</p> | | | |
| CERTIFICATION BY OPERATOR | | BAC | |
| <p>As set forth in the rules promulgated by the Department of Health and Senior Services related to the determination of blood alcohol by breath analysis, I certify that:</p> <p><input type="checkbox"/> 1. There was no deviation from the procedure approved by the department.</p> <p><input type="checkbox"/> 2. To the best of my knowledge the instrument was functioning properly.</p> <p><input type="checkbox"/> 3. I am authorized to operate the instrument.</p> <p><input type="checkbox"/> 4. No radio transmission occurred inside the room where and when this test was being conducted.</p> | | | |
| NAME OF OPERATOR | PERMIT NO. | EXPIRATION DATE | |
| WITNESS (IF ANY) | | DATE | |
| MO 580-1212 (4-12) | | LAB 107A (R4-12) | |
| AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER services provided on a nondiscriminatory basis | | | |

| MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES BLOOD ALCOHOL TEST REPORT - DATAMASTER | | FORM #7 |
|--|------------------------|-----------------|
| SUBJECT'S NAME | DATE OF TEST | |
| OPERATIONAL CHECKLIST: DATAMASTER | | |
| SERIAL NO. | LOCATION OF INSTRUMENT | |
| <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> 1. Examination of mouth conducted. If any substance is observed or indicated to be present, the substance observed or indicated must be removed prior to starting the 15 minute observation period. </div> <div style="width: 45%;"> <input type="checkbox"/> 2. Subject observed for at least 15 minutes by _____ No smoking, oral intake or vomiting during this time; if vomiting occurs, start over with the 15 minute observation period. </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> 3. Assure that the power switch is ON. </div> <div style="width: 45%;"> <input type="checkbox"/> 4. Press RUN button. </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> 5. When display requests INSERT TICKET, insert evidence ticket. </div> <div style="width: 45%;"> <input type="checkbox"/> 6. Enter subject and officer information. </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> 7. When display reads PLEASE BLOW and gives audible beep, take subject's breath sample. </div> <div style="width: 45%;"> <input type="checkbox"/> 8. When printer has completed printing out test result, remove ticket from printer. Attach printout to this report. </div> </div> | | |
| CERTIFICATION BY OPERATOR | | |
| | | BAC |
| <p>As set forth in the rules promulgated by the Department of Health and Senior Services related to the determination of blood alcohol by breath analysis, I certify that:</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> 1. There was no deviation from the procedure approved by the department. </div> <div style="width: 45%;"> <input type="checkbox"/> 2. To the best of my knowledge the instrument was functioning properly. </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> 3. I am authorized to operate the instrument. </div> <div style="width: 45%;"> <input type="checkbox"/> 4. No radio transmission occurred inside the room where and when this was being conducted. </div> </div> | | |
| NAME OF OPERATOR | PERMIT NO. | EXPIRATION DATE |
| WITNESS (IF ANY) | | DATE |
| MO 580-1214 (4-12) | | LAB 109 (R4-12) |
| AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER services provided on a nondiscriminatory basis | | |

| MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES BLOOD ALCOHOL TEST REPORT - DATAMASTER | | FORM #7 |
|--|------------------------|-----------------|
| SUBJECT'S NAME | DATE OF TEST | |
| OPERATIONAL CHECKLIST: DATAMASTER | | |
| SERIAL NO. | LOCATION OF INSTRUMENT | |
| <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> 1. Examination of mouth conducted. If any substance is observed or indicated to be present, the substance observed or indicated must be removed prior to starting the 15 minute observation period. </div> <div style="width: 45%;"> <input type="checkbox"/> 2. Subject observed for at least 15 minutes by _____ No smoking, oral intake or vomiting during this time; if vomiting occurs, start over with the 15 minute observation period. </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> 3. Assure that the power switch is ON. </div> <div style="width: 45%;"> <input type="checkbox"/> 4. Press RUN button. </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> 5. When display requests INSERT TICKET, insert evidence ticket. </div> <div style="width: 45%;"> <input type="checkbox"/> 6. Enter subject and officer information. </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> 7. When display reads PLEASE BLOW and gives audible beep, take subject's breath sample. </div> <div style="width: 45%;"> <input type="checkbox"/> 8. When printer has completed printing out test result, remove ticket from printer. Attach printout to this report. </div> </div> | | |
| CERTIFICATION BY OPERATOR | | |
| | | BAC |
| <p>As set forth in the rules promulgated by the Department of Health and Senior Services related to the determination of blood alcohol by breath analysis, I certify that:</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> 1. There was no deviation from the procedure approved by the department. </div> <div style="width: 45%;"> <input type="checkbox"/> 2. To the best of my knowledge the instrument was functioning properly. </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> 3. I am authorized to operate the instrument. </div> <div style="width: 45%;"> <input type="checkbox"/> 4. No radio transmission occurred inside the room where and when this was being conducted. </div> </div> | | |
| NAME OF OPERATOR | PERMIT NO. | EXPIRATION DATE |
| WITNESS (IF ANY) | | DATE |
| MO 580-1214 (4-12) | | LAB 109 (R4-12) |
| AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER services provided on a nondiscriminatory basis | | |

MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
**BLOOD ALCOHOL TEST REPORT - ALCO-SENSOR IV
WITH PRINTER**

FORM #8

| | | | |
|---|--------------------|--|--|
| SUBJECT'S NAME | | DATE OF TEST | |
| OPERATIONAL CHECKLIST: ALCO-SENSOR IV WITH PRINTER | | | |
| ALCO-SENSOR SERIAL NO. | PRINTER SERIAL NO. | LOCATION OF INSTRUMENT | |
| <input type="checkbox"/> 1. Examination of mouth conducted. If any substance is observed or indicated to be present, the substance observed or indicated must be removed prior to starting the 15 minute observation period. <input type="checkbox"/> 2. Subject observed for at least 15 minutes by _____ No smoking, oral intake or vomiting during this time; if vomiting occurs, start over with 15 minute observation period. <input type="checkbox"/> 3. Make sure printer is connected to Alco-Sensor IV. <input type="checkbox"/> 4. Turn printer on. <input type="checkbox"/> 5. Insert mouthpiece into Alco-Sensor IV. <input type="checkbox"/> 6. Observe temperature display, make sure temperature reading is between 10°C and 40°C. <input type="checkbox"/> 7. When "BLNK" is displayed on Alco-Sensor IV, air blank is taken. <input type="checkbox"/> 8. When "TEST" is displayed on Alco-Sensor IV, take subject breath sample. <input type="checkbox"/> 9. When "SET" is displayed on Alco-Sensor IV, press SET button. <input type="checkbox"/> 10. When printer has completed printing test result, tear off tape and fill in subject and officer information. <input type="checkbox"/> 11. Press red button to eject mouthpiece. <input type="checkbox"/> 12. Turn printer off. <input type="checkbox"/> 13. Attach printout to this report. | | | |
| CERTIFICATION BY OPERATOR | | BAC | |
| As set forth in the rules promulgated by the Department of Health and Senior Services related to the determination of blood alcohol by breath analysis, I certify that: <input type="checkbox"/> 1. There was no deviation from the procedure approved by the department. <input type="checkbox"/> 2. To the best of my knowledge the instrument was functioning properly. <input type="checkbox"/> 3. I am authorized to operate the instrument. <input type="checkbox"/> 4. No radio transmission occurred inside the room where and when this was being conducted. | | | |
| NAME OF OPERATOR | PERMIT NO. | EXPIRATION DATE | |
| WITNESS (IF ANY) | DATE | | |
| MO 580-1213 (4-12) | | AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER | |
| | | services provided on a nondiscriminatory basis | |
| | | LAB. 108 | |

MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
**BLOOD ALCOHOL TEST REPORT - ALCO-SENSOR IV
WITH PRINTER**

FORM #8

| | | | |
|---|--------------------|--|--|
| SUBJECT'S NAME | | DATE OF TEST | |
| OPERATIONAL CHECKLIST: ALCO-SENSOR IV WITH PRINTER | | | |
| ALCO-SENSOR SERIAL NO. | PRINTER SERIAL NO. | LOCATION OF INSTRUMENT | |
| <input type="checkbox"/> 1. Examination of mouth conducted. If any substance is observed or indicated to be present, the substance observed or indicated must be removed prior to starting the 15 minute observation period. <input type="checkbox"/> 2. Subject observed for at least 15 minutes by _____ No smoking, oral intake or vomiting during this time; if vomiting occurs, start over with 15 minute observation period. <input type="checkbox"/> 3. Make sure printer is connected to Alco-Sensor IV. <input type="checkbox"/> 4. Turn printer on. <input type="checkbox"/> 5. Insert mouthpiece into Alco-Sensor IV. <input type="checkbox"/> 6. Observe temperature display, make sure temperature reading is between 10°C and 40°C. <input type="checkbox"/> 7. When "BLNK" is displayed on Alco-Sensor IV, air blank is taken. <input type="checkbox"/> 8. When "TEST" is displayed on Alco-Sensor IV, take subject breath sample. <input type="checkbox"/> 9. When "SET" is displayed on Alco-Sensor IV, press SET button. <input type="checkbox"/> 10. When printer has completed printing test result, tear off tape and fill in subject and officer information. <input type="checkbox"/> 11. Press red button to eject mouthpiece. <input type="checkbox"/> 12. Turn printer off. <input type="checkbox"/> 13. Attach printout to this report. | | | |
| CERTIFICATION BY OPERATOR | | BAC | |
| As set forth in the rules promulgated by the Department of Health and Senior Services related to the determination of blood alcohol by breath analysis, I certify that: <input type="checkbox"/> 1. There was no deviation from the procedure approved by the department. <input type="checkbox"/> 2. To the best of my knowledge the instrument was functioning properly. <input type="checkbox"/> 3. I am authorized to operate the instrument. <input type="checkbox"/> 4. No radio transmission occurred inside the room where and when this was being conducted. | | | |
| NAME OF OPERATOR | PERMIT NO. | EXPIRATION DATE | |
| WITNESS (IF ANY) | DATE | | |
| MO 580-1213 (4-12) | | AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER | |
| | | services provided on a nondiscriminatory basis | |
| | | LAB. 108 | |


MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
BLOOD ALCOHOL TEST REPORT - DATAMASTER DMT

FORM #11

| | | | | |
|------------------------|---------------------------------|--------------------------|-----------------|--------------|
| LOCATION OF INSTRUMENT | | INSTRUMENT SERIAL NUMBER | DATE OF TEST | TIME OF TEST |
| SUBJECT NAME | | | DATE OF BIRTH | |
| SEX | SUBJECT DRIVER'S LICENSE NUMBER | | STATE | |
| ARRESTING OFFICER | | ARRESTING OFFICER ID | | |
| OPERATOR | | OPERATOR PERMIT | PERMIT EXP DATE | |

OPERATIONAL CHECKLIST: DATAMASTER DMT

- ☐ 1. Examination of mouth conducted. If any substance is observed or indicated to be present, the substance observed or indicated must be removed prior to starting the 15 minute observation period.
- ☐ 2. Subject observed for at least 15 minutes by _____. No smoking, oral intake or vomiting during this time; if vomiting occurs, start over with the 15 minute observation period.
- ☐ 3. Assure that the power switch is ON and the screen is displaying "PRESS ENTER TO START".
- ☐ 4. Press the Run button on the display screen.
- ☐ 5. Enter subject and officer information.
- ☐ 6. When display reads "Please Blow" and gives audible beep, insert mouthpiece and take the subject's breath sample.

SUBJECT TEST RESULTS

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COMMENTS

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CERTIFICATION BY OPERATOR

BAC

As set forth in the rules promulgated by the Department of Health and Senior Services related to the determination of blood alcohol by breath analysis, I certify that:

- ☐ 1. There was no deviation from the procedure approved by the department.
- ☐ 2. To the best of my knowledge the instrument was functioning properly.
- ☐ 3. I am authorized to operate the instrument.
- ☐ 4. No radio transmission occurred inside the room where and when this test was being conducted.

| | |
|-----------------------|------|
| SIGNATURE OF OPERATOR | DATE |
| WITNESS (IF ANY) | DATE |



STATE OF MISSOURI
DEPARTMENT OF HEALTH AND SENIOR SERVICES
BLOOD ALCOHOL TEST REPORT – INTOXILYZER 8000

FORM #12

| | | | | |
|------------------------|---------------------------------|--------------------------|------------------------|--------------|
| LOCATION OF INSTRUMENT | | INSTRUMENT SERIAL NUMBER | DATE OF TEST | TIME OF TEST |
| SUBJECT NAME | | | DATE OF BIRTH | |
| SEX | SUBJECT DRIVER'S LICENSE NUMBER | | STATE | |
| ARRESTING OFFICER | | ARRESTING OFFICER ID | | |
| OPERATOR | | OPERATOR PERMIT | PERMIT EXPIRATION DATE | |

OPERATIONAL CHECKLIST: INTOXILYZER 8000

- ☐ 1. Examination of mouth conducted. If any substance is observed or indicated to be present, the substance observed or indicated must be removed prior to starting the 15 minute observation period.
- ☐ 2. Subject observed for at least 15 minutes by _____. No smoking, oral intake or vomiting during this time; if vomiting occurs, start over with the 15 minute observation period.
- ☐ 3. Assure that the power switch is ON and the screen is displaying "Ready Mode".
- ☐ 4. Press the START TEST button.
- ☐ 5. Enter the subject and officer information.
- ☐ 6. When display reads "Please Blow Until Tone Stops/R", insert mouthpiece and take the subject's breath sample.

SUBJECT TEST RESULTS

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|----------|
| COMMENTS |
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| | |
|----------------------------------|-----|
| CERTIFICATION BY OPERATOR | BAC |
|----------------------------------|-----|

As set forth in the rules promulgated by the Department of Health and Senior Services related to the determination of blood alcohol by breath analysis, I certify that:

- ☐ 1. There was no deviation from the procedure approved by the department.
- ☐ 2. To the best of my knowledge the instrument was functioning properly.
- ☐ 3. I am authorized to operate the instrument.
- ☐ 4. No radio transmission occurred inside the room where and when this test was being conducted.

| | |
|-----------------------|------|
| SIGNATURE OF OPERATOR | DATE |
| WITNESS (IF ANY) | DATE |


MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
BLOOD ALCOHOL TEST REPORT - INTOX EC/IR II

FORM #13

| | | | | |
|------------------------|---------------------------------|--------------------------|-----------------|--------------|
| LOCATION OF INSTRUMENT | | INSTRUMENT SERIAL NUMBER | DATE OF TEST | TIME OF TEST |
| SUBJECT NAME | | | DATE OF BIRTH | |
| SEX | SUBJECT DRIVER'S LICENSE NUMBER | | STATE | |
| ARRESTING OFFICER | | ARRESTING OFFICER ID | | |
| OPERATOR | | OPERATOR PERMIT | PERMIT EXP DATE | |

OPERATIONAL CHECKLIST: INTOX EC/IR II

- ☐ 1. Examination of mouth conducted. If any substance is observed or indicated to be present, the substance observed or indicated must be removed prior to starting the 15 minute observation period.
- ☐ 2. Subject observed for at least 15 minutes by _____. No smoking, oral intake or vomiting during this time; if vomiting occurs, start over with the 15 minute observation period.
- ☐ 3. Assure that the power switch is ON and the screen is displaying "PRESS ENTER TO START".
- ☐ 4. Press the Enter button.
- ☐ 5. Enter subject and officer information.
- ☐ 6. When display reads "Please Blow/R", and gives audible beep, insert mouthpiece and take the subject's breath sample.

SUBJECT TEST RESULTS

COMMENTS

CERTIFICATION BY OPERATOR

BAC

As set forth in the rules promulgated by the Department of Health and Senior Services related to the determination of blood alcohol by breath analysis, I certify that:

- ☐ 1. There was no deviation from the procedure approved by the department.
- ☐ 2. To the best of my knowledge the instrument was functioning properly.
- ☐ 3. I am authorized to operate the instrument.
- ☐ 4. No radio transmission occurred inside the room where and when this test was being conducted.

| | |
|-----------------------|------|
| SIGNATURE OF OPERATOR | DATE |
| WITNESS (IF ANY) | DATE |

*AUTHORITY: sections 192.006 and 577.026, RSMo 2000, and 306.114, 306.117, 577.020, and 577.037, [577.039 and 577.041,] RSMo Supp. [1997] 2011 [and 577.023, 577.026, 577.029, 577.031, and 577.033, RSMo 1994]. This rule was previously filed as 13 CSR 50-140.060 and 19 CSR 20-30.060. Original rule filed July 11, 1979, effective Oct. 12, 1979. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 31, 2012.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately ten thousand two hundred fifty-four dollars (\$10,254) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Bill Whitmar, Director, Missouri Department of Health and Senior Services, State Public Health Laboratory, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Health and Senior Services**
Division Title: State Public Health Laboratory
Chapter Title: Determination of Blood Alcohol by Blood, Breath, Saliva and Urine Analysis; and Determination for the Presence of Drugs in Blood, Saliva and Urine

| | |
|------------------------------|--|
| Rule Number and Name: | 19 CSR 25-30.060; Operating Procedures for Breath Analyzers |
| Type of Rulemaking: | Proposed Amendment |

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|--|---|
| Missouri Department of Revenue | \$10,254 |
| | |
| | |

III. WORKSHEET

Attached is a letter produced by the Missouri Department of Revenue explaining the cost for amendment of Form 2389, otherwise known as the Alcohol Influence Report or AIR. The estimated cost of compliance given above is based on their analysis of their costs to amend this form.

IV. ASSUMPTIONS

The proposed amendment includes a change to the operational checklists for all approved breath analyzers currently in use. As such, there is an assumed cost to the Missouri Department of Revenue to amend Form 2389, as this form incorporates two of the effected operational checklists.

Driver License Bureau
Post Office Box 200
Jefferson City, Missouri 65105-0200



(573) 751-1887
E-mail: dlbmail@dor.mo.gov

Mr. Brian Lutmer
Breath Alcohol Program Manager
Department of Health and Senior Services
State Public Health Lab
2875 James Blvd
Poplar Bluff, MO 63901

April 17, 2012

Dear Mr. Lutmer:

As requested, the estimated cost for the Department of Revenue to revise the Alcohol Influence Report (AIR -- Form 2389) in response to the proposed DOHSS administrative rule amendment is \$10,254.


When the AIR form is revised, the Department must mail a supply of the new form to all Missouri law enforcement agencies. The number of forms mailed to each is based upon the volume the agency has historically used per month. The Department also requires an in-house inventory of 30,000 forms for periodic replenishing of law enforcement agency stocks. Additionally, an electronic, fillable Form 2389 is located on the Office of Administration's (OA) website for law enforcement agencies to use. This form must also be updated and there is a cost to the Department for this revision.

Below is a breakdown of the cost for amendment of the form:

| | |
|---|-----------------|
| Cost to print AIR - 160,000 x \$0.04= | \$6,400 |
| Cost for envelopes - 656 (# of law enforcement agencies) x \$0.12 = | \$79 |
| Cost for postage - 656 (# of law enforcement agencies) x \$5.48= | \$3,595 |
| Cost of OA programming - \$45 per hour x 4 hours= | <u>\$180</u> |
| Total= | \$10,254 |

If you have any questions, please contact Tracy Robertson, Manager, Driver License Bureau, at (573) 526-2555, or me.

Sincerely,


Brad Brester, Administrator
Driver License Bureau

BB/tar

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES**

**Division 25—[Division of Administration] State Public
Health Laboratory**

**Chapter 30—Determination of Blood Alcohol by Blood,
Breath, Saliva, and Urine Analysis; and Determination
for the Presence of Drugs in Blood, Saliva, and Urine**

PROPOSED AMENDMENT

19 CSR 25-30.070 Approval of Methods for the Determination of Blood Alcohol Content From Samples of Blood, [Urine or Saliva] Saliva, or Urine. The department is amending the name of the division, chapter, and the title of the rule; amending section (1); while deleting sections (2) and (3); renumbering section (4) as section (2); and adding a new section (3).

PURPOSE: This amendment changes the name of the division, chapter, and rule; clarifies the methods by which determination of blood alcohol content from samples of blood, saliva, or urine are approved; and makes the text more closely resemble the similar text in 19 CSR 25-30.080.

(1) Samples of [B]blood, [samples] saliva, or urine shall be [taken] collected in accordance with the provisions of sections 577.029, and 306.111–306.119, RSMo, and a sufficient volume of sample shall be collected to provide for duplicate testing.

[(2) A sample of blood, urine or saliva shall be collected in a clean, dry container that has an air-tight, inert stopper—]

(A) [For blood samples, if whole blood or plasma is required, an anticoagulant may be used that is appropriate for the test method being employed; and] Blood samples shall be collected in commercially-manufactured blood collection tubes that contain sodium fluoride or an equivalent preservative, as well as potassium oxalate, sodium citrate, or an equivalent anticoagulant.

(B) Urine specimens shall be [refrigerated immediately after collection or a preservative may be used that is appropriate for the test method being employed] collected in clean, dry containers. If a preservative, such as sodium fluoride, is employed, a comment stating the type and amount of preservative used should accompany the specimen. Specimens shall be refrigerated at a temperature of eight degrees Celsius (8 °C) or less if not tested within one (1) day of collection.

(C) Saliva specimens shall be collected in a commercially-manufactured collection device and collected according to collection device instructions.

[(3) A sufficient volume of blood, urine or saliva shall be collected to provide for duplicate testing.]

[(4)](2) Methods based on the following analytical principles are approved for the determination of blood alcohol content from a sample of blood, [urine or saliva] saliva, or urine:

(A) Chromatographic identification and quantization of alcohols, in liquid or vapor phase;

(B) Spectrophotometric or colorimetric measurement of the conversion of alcohol to acetaldehyde by alcohol-dehydrogenase; or

(C) The quantitative determination of the reduction of dichromate in acid solution by ethanol.

(3) Blood, saliva, and urine tests for the determination of blood alcohol content performed prior to the effective date of this rule shall be considered valid under this rule if such tests were completed in compliance with the rules in effect at the time the test was conducted.

AUTHORITY: sections 192.006[, 306.114, 306.117, 577.020, 577.023,] and 577.026, [577.029, 577.031, 577.033, 577.037, 577.039 and 577.041,] RSMo 2000, and sections 306.114, 306.117, 577.020, and 577.037, RSMo Supp. 2011. This rule previously filed as 19 CSR 20-30.070. Emergency rule filed May 21, 1987, effective May 31, 1987, expired Sept. 28, 1987. Original rule filed May 21, 1987, effective Aug. 27, 1987. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 31, 2012.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Health and Senior Services, State Public Health Laboratory, Bill Whitmar, Director, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES**

**Division 25—[Division of Administration] State Public
Health Laboratory**

**Chapter 30—Determination of Blood Alcohol by Blood,
Breath, Saliva, and Urine Analysis; and Determination
for the Presence of Drugs in Blood, Saliva, and Urine**

PROPOSED AMENDMENT

19 CSR 25-30.080 Approval of Methods for the Analysis of Blood, Saliva, and Urine for the Presence of Drugs. The department is amending the name of the division, chapter, and rule; amending the rule purpose and sections (1), (2), and (4)–(6); and adding a new section (7).

PURPOSE: This amendment changes the name of the division, chapter and rule; amends the rule purpose; and adds saliva as a biological matrix for the analysis of drugs while clarifying the methods by which samples of blood, saliva, and urine are tested for the presence of drugs. It also makes the text more closely resemble the similar text in 19 CSR 25-30.070; adds text similar to 19 CSR 25-30.021 as to the necessity of any laboratory doing drug analysis having a national accreditation; and adds three (3) new analytical methods.

PURPOSE: This rule establishes the approved methods for the analysis of blood, saliva, and urine for the presence of drugs.

(1) Samples of blood, saliva, or urine shall be collected in accordance with the provision of sections 577.029, and 306.111–306.119, RSMo, and a sufficient volume of sample shall be collected to provide for duplicate testing.

(A) Blood samples shall be collected in [a clean, dry container that has an air-tight, inert stopper. If whole blood or plasma is required, an anticoagulant may be used that is appropriate for the test method.] commercially-manufactured blood collection tubes that contain sodium fluoride or an equivalent preservative, as well as potassium oxalate, sodium citrate, or an equivalent anticoagulant.

(B) Urine specimens shall be collected in clean, dry containers. [Preservatives may be used that are appropriate for the test method. Specimens shall be refrigerated if not tested within

one (1) day of collection.] If a preservative, such as sodium fluoride, is employed, a comment stating the type and amount of preservative used should accompany the specimen. Specimens shall be refrigerated at a temperature of eight degrees Celsius (8 °C) or less if not tested within one (1) day of collection.

(C) Saliva specimens shall be collected in a commercially-manufactured collection device and collected according to collection device instructions.

(2) An individual shall have a valid Type I permit in order to perform analyses of blood, **saliva**, and urine for the presence of drugs.

(4) The laboratory in which these analyses are performed shall *[participate in a proficiency testing program that provides at least three (3) sets of samples per calendar year and covers the screening and confirmatory methods that are used]* have, by July 1, 2014, a national accreditation through the College of American Pathologists (CAP), the American Board of Forensic Toxicologists (ABFT), or through the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/Lab). This accreditation shall continue as long as the laboratory performs analysis of blood, saliva, or urine for the presence of drugs and shall include an annual proficiency test on each biological matrix (blood, saliva, or urine) tested. A copy of the accreditation for each laboratory shall be supplied to the State Public Health Laboratory upon request.

(5) The following methodologies are approved for the analysis of blood, **saliva**, and urine for the presence of drugs:

- (B) Fluorescence immunoassay (FPIA);
- (D) Gas-liquid chromatography (G/L/C);
- (G) Ultra *[-]* violet-**visible** spectrophotometry (UV/Vis); *[and]*
- (H) Gas chromatography/mass spectrometry (GC/MS)*[-]*;
- (I) **Liquid chromatography/mass spectrometry (LC/MS)**;
- (J) Enzyme-linked immunosorbent assay (ELISA); and
- (K) Cloned enzyme donor immunoassay (CEDIA).

(6) All positive results found upon initial testing shall be confirmed by *[GC/MS. TLC and HPLC methods may be used in conjunction with GC/MS for confirmation.]* a method employing mass spectrometry (MS).

(7) Blood and urine tests for the presence of drugs performed prior to the effective date of this rule shall be considered valid under this rule if such tests were completed in compliance with the rules in effect at the time the test was conducted.

AUTHORITY: sections 192.006[, 306.114, 306.117, 577.020, 577.023,] and 577.026, [577.029, 577.031, 577.033, 577.037, 577.039 and 577.041,] RSMo 2000, and 306.114, 306.117, 577.020, and 577.037, RSMo Supp. 2011. This rule previously filed as 19 CSR 20-30.080. Original rule filed July 15, 1988, effective Sept. 29, 1988. For intervening history, please consult the Code of State Regulations. Amended: Filed May 31, 2012.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Bill Whitmar, Director, Missouri Department of Health and Senior Services, State Public Health Laboratory, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received with-

in thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.415 Restricted Zones is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 16, 2012 (37 MoReg 582). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

ORDER OF RULEMAKING

By authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.433 is amended.

This rule establishes the deer hunting seasons and limits and is exempted by sections 536.021, RSMo, from the requirements for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.433 by establishing firearms deer hunting seasons.

3 CSR 10-7.433 Deer: Firearms Hunting Seasons

(1) The firearms deer hunting season is comprised of six (6) portions.

(A) Urban zones portion: October 5 through 8, 2012; use any legal deer hunting method to take antlerless deer in open zones.

(B) Youth portions: November 3 and 4, and December 29 and 30, 2012; for persons at least six (6) but not older than fifteen (15) years of age; use any legal deer hunting method to take one (1) deer statewide during the November 3 and 4, 2012 portion; use any legal deer hunting method to take deer statewide during the December 29 and 30, 2012 portion.

(C) November portion: November 10 through 20, 2012; use any legal deer hunting method to take deer statewide.

(D) Muzzleloader portion: December 15 through 25, 2012; use muzzleloader and archery methods, crossbows, atlatl, handguns, and air-powered guns as defined in 3 CSR 10-7.431 to take deer statewide.

(E) Antlerless portion: November 21 through December 2, 2012; use any legal deer hunting method to take antlerless deer in open counties.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are exempted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment was filed May 25, 2012, and becomes effective July 1, 2012.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

ORDER OF RULEMAKING

By authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.435 is amended.

This rule establishes the limits for the firearms deer hunting season. Limits and provisions for hunting are exempt by sections 536.021, RSMo, from the requirements for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.435 by establishing special deer harvest limits and restrictions.

3 CSR 10-7.435 Deer: Special Harvest Provisions

PURPOSE: This amendment removes the antler-point restriction for counties within the Chronic Wasting Disease Containment Zone to reduce the threat of spread of this disease.

(1) Only antlerless deer and antlered deer with at least one (1) antler having at least four (4) antler points may be taken in the counties of

Andrew, Atchison, Audrain, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Camden, Carroll, the portion of Cass County not included in the Kansas City urban zone, Cedar, Clark, Clinton, Cole, Cooper, Daviess, DeKalb, the portion of Franklin County not included in the St. Louis urban zone, Gasconade, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, the portion of Jefferson County not included in the St. Louis urban zone, Johnson, Knox, Lafayette, Lewis, Lincoln, Livingston, Maries, Marion, Mercer, Miller, Moniteau, Monroe, Montgomery, Morgan, Nodaway, Osage, Pettis, Phelps, Pike, the portion of Platte County not included in the Kansas City urban zone, Pulaski, Putnam, Ralls, Ray, Saline, Schuyler, Scotland, Shelby, St. Clair, Ste. Genevieve, Vernon, Warren, and Worth. No other antlered deer may be taken.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are exempted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment was filed May 25, 2012, and becomes effective **July 1, 2012**.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-11.120 Pets and Hunting Dogs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 16, 2012 (37 MoReg 582–583). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.180 Hunting, General Provisions and Seasons
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 16, 2012 (37 MoReg 583). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.109 Closed Hours is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 16, 2012 (37 MoReg 583). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.110 Use of Boats and Motors is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 16, 2012 (37 MoReg 583–584). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.125 Hunting and Trapping is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 16, 2012 (37 MoReg 584–585). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 20—Electric Utilities**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 386.250, RSMo 2000, and section 386.890.9, RSMo Supp. 2011, the commission amends a rule as follows:

4 CSR 240-20.065 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2012 (37 MoReg 315-333). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended April 2, 2012, and the commission held a public hearing on the proposed amendment on April 3, 2012. The commission received timely written comments from the staff of the Missouri Public Service Commission and from Union Electric Company, d/b/a Ameren Missouri. In addition, the Public Counsel offered comments at the hearing. The comments generally supported the proposed amendment but offered suggestions for improvement.

COMMENT #1: The commission's staff offered a written comment advising the commission to revise the proposed definition of "avoided cost" found at subsection (1)(A). Staff's revision would make this rule's definition of that term consistent with the definition in the commission's cogeneration rule, 4 CSR 240-3.155. At the hearing, public counsel and Ameren Missouri indicated they did not oppose this revision.

RESPONSE AND EXPLANATION OF CHANGE: The commission has modified the definition of "avoided cost" as proposed by staff.

COMMENT #2: The commission's staff offered a written comment regarding paragraph (9)(A)1. Staff explained that the paragraph requires the electric utility to provide the electronic application/agreement to staff for review before placing it on the company's website. Staff recommends that the provision be modified to specify to whom at staff the utility should submit the application/agreement for review. At the hearing, public counsel and Ameren Missouri indicated they do not oppose this revision.

RESPONSE AND EXPLANATION OF CHANGE: The commission has modified the paragraph as proposed by staff.

COMMENT #3: Ameren Missouri submitted a written comment in which it suggests certain changes to the model interconnection application/agreement that is incorporated into the rule. Ameren Missouri suggests that the signature line for the utility be moved from its current location in the document immediately following the solar rebate information found in sections G. and H. Ameren Missouri explains that the electric utility is often able to commence net metering service before all solar rebate documentation has been received from the customer. If the utility's signature line is moved to before section G., it would be clear that the utility could offer net metering service before obtaining all solar rebate documentation. At the hearing, public counsel and staff indicated they do not oppose this revision.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with Ameren Missouri's suggestion. The commission will move the signature line to the interconnection application/agreement before the solar rebate information currently in sections G. and H. In doing so, the commission will also move current section I.,

which contains the utility's approval language, to before the solar rebate information and reletter the sections accordingly.

COMMENT #4: Ameren Missouri submitted a written comment in which it suggests certain changes to section 5) Energy Pricing and Billing of the model interconnection application/agreement that is incorporated into the rule. Ameren Missouri suggests that paragraph be modified to refer to the appropriate net metering tariff and to clearly refer to the value of net electricity delivered by the Customer-Generator to the utility. At the hearing, public counsel and staff indicated they do not oppose this revision.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with Ameren Missouri's suggestion and will modify the interconnection application/agreement accordingly.

COMMENT #5: Ameren Missouri submitted a written comment in which it suggests a change in the definition of REC found in subsection (1)(G). Ameren Missouri suggests the word "that" be inserted into the definition to clarify that the REC is not actual energy produced but rather is a demonstration that renewable energy was produced. At the hearing, public counsel and staff indicated they do not oppose this revision.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with Ameren Missouri's suggestion and will modify the definition accordingly.

COMMENT #6: Ameren Missouri submitted a written comment in which it suggests a change in section A. of the interconnection application/agreement. That informational section currently requires the Customer-Generator to "provide the meter number to be used for net metering." Ameren Missouri suggests that language be changed to require the Customer-Generator to "provide the meter number to which generation will be connected." At the hearing, public counsel and staff indicated they do not oppose this revision.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with Ameren Missouri's suggestion and will modify the section accordingly.

4 CSR 240-20.065 Net Metering

(1) Definitions.

(A) Avoided fuel cost means avoided costs described in 4 CSR 240-20.060 used to calculate the electric utility's cogeneration rate filed in compliance with 4 CSR 240-3.155. The information used to calculate this rate is provided to the commission biennially and maintained for public inspection.

(G) REC means Renewable Energy Credit or Renewable Energy Certificate which is tradable, and represents that one (1) megawatt-hour of electricity has been generated from a renewable energy resource.

(9) Interconnection Agreement.

(A) Each customer-generator and electric utility shall enter into the interconnection agreement included herein.

1. If the electric utility so chooses, it may allow customers to apply electronically through the electric utility's website.

A. The interconnection agreement on the electric utility's website shall substantially be the same as the interconnection agreement included herein.

B. The electronic agreement shall be submitted to the manager of the Energy Unit of the staff for review by staff prior to being placed on the electric utility's website.

C. The electric utility shall notify the manager of the Energy Unit of the staff of any revisions to the electronic agreement on its website within ten (10) working days of when the electronic agreement is revised.

**INTERCONNECTION APPLICATION/AGREEMENT FOR NET METERING
SYSTEMS WITH CAPACITY OF ONE HUNDRED
KILOWATTS (100 kW) OR LESS**

[Utility Name and Mailing Address]

For Customers Applying for Interconnection:

If you are interested in applying for interconnection to [Utility Name]'s electrical system, you should first contact [Utility Name] and ask for information related to interconnection of parallel generation equipment to [Utility Name]'s system and you should understand this information before proceeding with this Application.

If you wish to apply for interconnection to [Utility Name]'s electrical system, please complete sections A, B, C, and D, and attach the plans and specifications, including, but not limited to, describing the net metering, parallel generation, and interconnection facilities (hereinafter collectively referred to as the "Customer-Generator's System") and submit them to [Utility Name] at the address above. The company will provide notice of approval or denial within thirty (30) days of receipt by [Utility Name] for Customer-Generators of ten kilowatts (10 kW) or less and within ninety (90) days of receipt by [Utility Name] for Customer-Generators of greater than ten kilowatts (10 kW). If this Application is denied, you will be provided with the reason(s) for the denial. If this Application is approved and signed by both you and [Utility Name], it shall become a binding contract and shall govern your relationship with [Utility Name].

**For Customers Who Have Received Approval of
Customer-Generator System Plans and Specifications:**

After receiving approval of your Application, it will be necessary to construct the Customer-Generator System in compliance with the plans and specifications described in the Application, complete sections E and F of this Application, and forward this Application to [Utility Name] for review and completion of section G at the address above. Prior to the interconnection of the qualified generation unit to [Utility Name] system, the Customer-Generator will furnish [Utility Name] a certification from a qualified professional electrician or engineer that the installation meets the plans and specification described in the application. If the application for interconnection is approved by [Utility Name] and the Customer-Generator does not complete the interconnection within one (1) year after receipt of notice of the approval, the approval shall expire and the Customer-Generator shall be responsible for filing a new application.

[Utility Name] will complete the utility portion of section G and, upon receipt of a completed Application/Agreement form and payment of any applicable fees, schedule a date for interconnection of the Customer-Generator System to [Utility Name]'s electrical system within fifteen (15) days of receipt by [Utility Name] if electric service already exists to the premises, unless the Customer-Generator and [Utility Name] agree to a later date. Similarly, upon receipt of a completed Application/Agreement form and payment of any applicable fees, if electric service does not exist to the premises, [Utility Name] will schedule a date for interconnection of the Customer-Generator System to [Utility Name]'s electrical system no later than fifteen (15) days after service is established to the premises, unless the Customer-Generator and [Utility Name] agree to a later date.

For Customers Who Are Installing Solar Systems:

Upon completion of section H and I, a rebate of \$2/watt up to 25,000 watts (25kW) is available from [Utility Name] on an expanded or new system that becomes operational after 12/31/2009 with a maximum rebate of \$50,000.

**For Customers Who Are Assuming Ownership or Operational
Control of an Existing Customer-Generator System:**

If no changes are being made to the existing Customer-Generator System, complete sections A, D, and F of this Application/Agreement and forward to [Utility Name] at the address above. [Utility Name] will review the new Application/Agreement and shall approve such, within fifteen (15) days of receipt by [Utility Name] if the new Customer-Generator has satisfactorily completed Application/Agreement, and no changes are being proposed to the existing Customer-Generator System. There are no fees or charges for the Customer-Generator who is assuming ownership or operational control of an existing Customer-Generator System if no modifications are being proposed to that System.

A. Customer-Generator's Information

Name on [Utility Name] Electric Account: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Service/Street Address (if different from above): _____

City: _____ State: _____ Zip Code: _____

Daytime Phone: _____ Fax: _____ Email: _____

Emergency Contact Phone: _____

[Utility Name] Account No. (from Utility Bill): _____

If account has multiple meters, provide the meter number to which generation will be connected: _____

B. Customer-Generator's System Information

Manufacturer Name Plate Power Rating: _____ kW AC or DC (circle one)

Voltage: _____ Volts

System Type: ☐ Wind ☐ Fuel Cell ☐ Solar Thermal ☐ Photovoltaic ☐ Hydroelectric ☐ Other (describe) _____

Inverter/Interconnection Equipment Manufacturer: _____

Inverter/Interconnection Equipment Model No.: _____

Inverter/Interconnection Equipment Location (describe): _____

Outdoor Manual/Utility Accessible & Lockable Disconnect Switch Distance from Meter: _____

Describe the location of the disconnect switch: _____

Existing Electrical Service Capacity: _____ Amperes Voltage: _____ Volts

Service Character: ☐ Single Phase ☐ Three Phase

Total capacity of existing Customer-Generator System (if applicable): _____ kW

System Plans, Specifications, and Wiring Diagram must be attached for a valid application.**C. Installation Information/Hardware and Installation Compliance**

Company Installing System: _____

Contact Person of Company Installing System: _____ Phone Number: _____

Contractor's License No. (if applicable): _____

Approximate Installation Date: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Daytime Phone: _____ Fax: _____ Email: _____

Person or Agency Who Will Inspect/Certify Installation: _____

The Customer-Generator's proposed System hardware complies with all applicable National Electrical Safety Code (NESC), National Electrical Code (NEC), Institute of Electrical and Electronics Engineers (IEEE), and Underwriters Laboratories (UL) requirements for electrical equipment and their installation. As applicable to System type, these requirements include, but are not limited to, UL 1741 and IEEE 1547. The proposed installation complies with all applicable local electrical codes and all reasonable safety requirements of [Utility Name]. The proposed System has a lockable, visible AC disconnect device, accessible at all times to [Utility Name] personnel. The System is only required to include one lockable, visible disconnect device, accessible to [Utility Name]. If the interconnection equipment is equipped with a visible, lockable, and accessible disconnect, no redundant device is needed to meet this requirement. The Customer-Generator's proposed System has functioning controls to prevent voltage flicker, DC injection, overvoltage, undervoltage, overfrequency, underfrequency, and overcurrent, and to provide for System synchronization to [Utility Name]'s electrical system. The proposed System does have an anti-islanding function that prevents the generator from continuing to supply power when [Utility Name]'s electric system is not energized or operating normally. If the proposed System is designed to provide uninterruptible power to critical loads, either through energy storage or back-up generation, the proposed System includes a parallel blocking scheme for this backup source that prevents any backflow of power to [Utility Name]'s electrical system when the electrical system is not energized or not operating normally.

Signed (Installer): _____ Date: _____

D. Additional Terms and Conditions

In addition to abiding by [Utility Name]'s other applicable rules and regulations, the Customer-Generator understands and agrees to the following specific terms and conditions:

1) Operation/Disconnection

If it appears to [Utility Name], at any time, in the reasonable exercise of its judgment, that operation of the Customer-Generator's System is adversely affecting safety, power quality, or reliability of [Utility Name]'s electrical system, [Utility Name] may immediately disconnect and lock-out the Customer-Generator's System from [Utility Name]'s electrical system. The Customer-Generator shall permit [Utility Name]'s employees and inspectors reasonable access to inspect, test, and examine the Customer-Generator's System.

2) Liability

Liability insurance is not required for Customer-Generators of ten kilowatts (10 kW) or less. For generators greater than ten kilowatts (10 kW), the Customer-Generator agrees to carry no less than one hundred thousand dollars (\$100,000) of liability insurance that provides for coverage of all risk of liability for personal injuries (including death) and damage to property arising out of or caused by the operation of the Customer-Generator's System. Insurance may be in the form of an existing policy or an endorsement on an existing policy. Customer-Generators, including those whose systems are ten kilowatts (10 kW) or less, may have legal liabilities not covered under their existing insurance policy in the event the Customer-Generator's negligence or other wrongful conduct causes personal injury (including death), damage to property, or other actions and claims.

3) Metering and Distribution Costs

A Customer-Generator's facility shall be equipped with sufficient metering equipment that can measure the net amount of electrical energy produced or consumed by the Customer-Generator. If the Customer-Generator's existing meter equipment does not meet these requirements or if it is necessary for [Utility Name] to install additional distribution equipment to accommodate the Customer-Generator's facility, the

Customer-Generator shall reimburse [Utility Name] for the costs to purchase and install the necessary additional equipment. At the request of the Customer-Generator, such costs may be initially paid for by [Utility Name], and any amount up to the total costs and a reasonable interest charge may be recovered from the Customer-Generator over the course of up to twelve (12) billing cycles. Any subsequent meter testing, maintenance, or meter equipment change necessitated by the Customer-Generator shall be paid for by the Customer-Generator.

4) Ownership of Renewable Energy Credits or Renewable Energy Certificates (RECs)

RECs created through the generation of electricity by the Customer-Owner are owned by the Customer-Generator until explicitly transferred to another entity. Nothing in this contract gives [Utility Name] any preferential entitlement to the RECs generated by the Customer-Generator's system.

5) Energy Pricing and Billing

The net electric energy delivered to the Customer-Generator shall be billed in accordance with the Utility's Applicable Rate Schedules [Utility's Applicable Rate Schedules]. The value of the net electric energy delivered by the Customer-Generator to [Utility Name] shall be credited in accordance with the net metering rate schedule(s) [Utility's Applicable Rate Schedules].

Net electrical energy measurement shall be calculated in the following manner:

(a) For a Customer-Generator, a retail electric supplier shall measure the net electrical energy produced or consumed during the billing period in accordance with normal metering practices for customers in the same rate class, either by employing a single, bidirectional meter that measures the amount of electrical energy produced and consumed, or by employing multiple meters that separately measure the Customer-Generator's consumption and production of electricity;

(b) If the electricity supplied by the supplier exceeds the electricity generated by the Customer-Generator during a billing period, the Customer-Generator shall be billed for the net electricity supplied by the supplier in accordance with normal practices for customers in the same rate class;

(c) If the electricity generated by the Customer-Generator exceeds the electricity supplied by the supplier during a billing period, the Customer-Generator shall be billed for the appropriate customer charges for that billing period and shall be credited an amount for the excess kilowatt-hours generated during the billing period at the net metering rate identified in [Utility Name]'s tariff filed at the Public Service Commission, with this credit applied to the following billing period; and

(d) Any credits granted by this subsection shall expire without any compensation at the earlier of either twelve (12) months after their issuance, or when the Customer-Generator disconnects service or terminates the net metering relationship with the supplier.

6) Terms and Termination Rights

This Agreement becomes effective when signed by both the Customer-Generator and [Utility Name], and shall continue in effect until terminated. After fulfillment of any applicable initial tariff or rate schedule term, the Customer-Generator may terminate this Agreement at any time by giving [Utility Name] at least thirty (30) days prior written notice. In such event, the Customer-Generator shall, no later than the date of termination of Agreement, completely disconnect the Customer-Generator's System from parallel operation with [Utility Name]'s system. Either party may terminate this Agreement by giving the other party at least thirty (30) days prior written notice that the other party is in default of any of the terms and conditions of this Agreement, so long as the notice specifies the basis for termination, and there is an opportunity to cure the default. This Agreement may also be terminated at any time by mutual agreement of the Customer-Generator and [Utility Name]. This agreement may also be terminated, by approval of the commission, if there is a change in statute that is determined to be applicable to this contract and necessitates its termination.

7) Transfer of Ownership

If operational control of the Customer-Generator's System transfers to any other party than the Customer-Generator, a new Application/Agreement must be completed by the person or persons taking over operational control of the existing Customer-Generator System. [Utility Name] shall be notified no less than thirty (30) days before the Customer-Generator anticipates transfer of operational control of the Customer-Generator's System. The person or persons taking over operational control of Customer-Generator's System must file a new Application/Agreement, and must receive authorization from [Utility Name], before the existing Customer-Generator System can remain interconnected with [Utility Name]'s electrical system. The new Application/Agreement will only need to be completed to the extent necessary to affirm that the new person or persons having operational control of the existing Customer-Generator System completely understand the provisions of this Application/Agreement and agree to them. If no changes are being made to the Customer-Generator's System, completing sections A, D, and F of this Application/Agreement will satisfy this requirement. If no changes are being proposed to the Customer-Generator System, [Utility Name] will assess no charges or fees for this transfer. [Utility Name] will review the new Application/Agreement and shall approve such, within fifteen (15) days if the new Customer-Generator has satisfactorily completed the Application/Agreement, and no changes are being proposed to the existing Customer-Generator System. [Utility Name] will then complete section G and forward a copy of the completed Application/Agreement back to the new Customer-Generator, thereby notifying the new Customer-Generator that the new Customer-Generator is authorized to operate the existing Customer-Generator System in parallel with [Utility Name]'s electrical system. If any changes are planned to be made to the existing Customer-Generator System that in any way may degrade or significantly alter that System's output characteristics, then the Customer-Generator shall submit to [Utility Name] a new Application/Agreement for the entire Customer-Generator System and all portions of the Application/Agreement must be completed.

8) Dispute Resolution

If any disagreements between the Customer-Generator and [Utility Name] arise that cannot be resolved through normal negotiations between them, the disagreements may be brought to the Missouri Public Service Commission by either party, through an informal or formal complaint. Procedures for filing and processing these complaints are described in 4 CSR 240-2.070. The complaint procedures described in 4 CSR 240-2.070 apply only to retail electric power suppliers to the extent that they are regulated by the Missouri Public Service Commission.

9) Testing Requirement

IEEE 1547 requires periodic testing of all interconnection related protective functions. The Customer-Generator must, at least once every year, conduct a test to confirm that the Customer-Generator's net metering unit automatically ceases to energize the output (interconnection equipment output voltage goes to zero) within two (2) seconds of being disconnected from [Utility Name]'s electrical system. Disconnecting the net metering unit from [Utility Name]'s electrical system at the visible disconnect switch and measuring the time required for the unit to cease to energize the output shall satisfy this test. The Customer-Generator shall maintain a record of the results of these tests and, upon request by [Utility Name], shall provide a copy of the test results to [Utility Name]. If the Customer-Generator is unable to provide a copy of the test results upon request, [Utility Name] shall notify the Customer-Generator by mail that Customer-Generator has thirty (30) days from the date the Customer-Generator receives the request to provide to [Utility Name], the results of a test. If the Customer-Generator's equipment ever fails this test, the Customer-Generator shall immediately disconnect the Customer-Generator's System from [Utility Name]'s system. If the Customer-Generator does not provide results of a test to [Utility Name] within thirty (30) days of receiving a request from [Utility Name] or the results of the test provided to [Utility Name] show that the Customer-Generator's net metering unit is not functioning correctly, [Utility Name] may immediately disconnect the Customer-Generator's System from [Utility Name]'s system. The Customer-Generator's System shall not be reconnected to [Utility Name]'s electrical

system by the Customer-Generator until the Customer-Generator's System is repaired and operating in a normal and safe manner.

I have read, understand, and accept the provisions of section D, subsections 1 through 9 of this Application/Agreement.

Signed (Customer-Generator): _____ Date: _____
Must be signature of [Utility Name] account holder (customer)

E. Electrical Inspection

The Customer-Generator System referenced above satisfies all requirements noted in section C.

Inspector Name (print): _____
Inspector Certification: Licensed Engineer in Missouri ____ Licensed Electrician in Missouri ____
License No. _____

Signed (Inspector): _____ Date: _____

F. Customer-Generator Acknowledgement

I am aware of the Customer-Generator System installed on my premises and I have been given warranty information and/or an operational manual for that system. Also, I have been provided with a copy of [Utility Name]'s parallel generation tariff or rate schedule (as applicable) and interconnection requirements. I am familiar with the operation of the Customer-Generator System.

I agree to abide by the terms of this Application/Agreement and I agree to operate and maintain the Customer-Generator System in accordance with the manufacturer's recommended practices as well as [Utility Name]'s interconnection standards. If, at any time and for any reason, I believe that the Customer-Generator System is operating in an unusual manner that may result in any disturbances on [Utility Name]'s electrical system, I shall disconnect the Customer-Generator System and not reconnect it to [Utility Name]'s electrical system until the Customer-Generator System is operating normally after repair or inspection. Further, I agree to notify [Utility Name] no less than thirty (30) days prior to modification of the components or design of the Customer-Generator System that in any way may degrade or significantly alter that System's output characteristics. I acknowledge that any such modifications will require submission of a new Application/Agreement to [Utility Name].

I agree not to operate the Customer-Generator System in parallel with [Utility Name]'s electrical system until this Application/Agreement has been approved by [Utility Name].

Signed (Customer-Generator): _____ Date: _____

G. Utility Application/Agreement Approval (completed by [Utility Name])

[Utility Name] does not, by approval of this Application/Agreement, assume any responsibility or liability for damage to property or physical injury to persons due to malfunction of the Customer-Generator's System or the Customer-Generator's negligence.

This Application is approved by [Utility Name] on this ____ day of _____ (month), ____ (year).
[Utility Name] Representative Name (print): _____

Signed [Utility Name] Representative: _____

H. Solar Rebate (For Solar Installations only)

Solar Module Manufacturer: _____ Inverter Rating: _____ kW
Solar Module Model No.: _____ Number of Modules/Panel: _____
Module rating: _____ DC Watts System rating (sum of solar panels): _____ kW
Module Warranty: _____ years (circle on spec sheet)
Inverter Warranty: _____ years (circle on spec sheet)
Location of modules: _____ Roof _____ Ground Installation type: _____ Fixed _____ Ballast
System Installation Date: _____

Solar system must be permanently installed on the applicant's premises for a valid application

Required documents to receive solar rebate (required to be attached for a valid application):

Copies of detail receipts/invoices with purchase date circled
Copies of detail spec sheets on each component
Copies of proof of warranty sheet (minimum of 10 year warranty)
Photo(s) of completed system
Completed Taxpayer Information Form

I. Solar Rebate Declaration (For Solar Installations only)

I understand that this program has a limited budget, and that application will be accepted on a first-come, first-served basis, while funds are available. It is possible that I may be notified I have been placed on a waiting list for the next year's rebate program if funds run out for the current year. This program may be modified or discontinued at any time without notice from [Utility Name].

I understand that the solar system must be permanently installed and remain in place on premises for the duration of its useful life – a minimum of 10 years.

I understand the equipment must be new when installed, commercially available, and carry a minimum 10 year warranty.

I understand a rebate of \$2/watt up to 25,000 watts (25 kW) is available from [Utility Name] on expanded or new systems that become operational after 12/31/2009 with a maximum rebate of \$50,000.

I understand the DC wattage rating provided by the original manufacturer and as noted in section H will be used to determine rebate amount.

I understand business corporations receiving a rebate of \$600 or more will receive a 1099. (Please consult your tax advisor with any questions.)

The undersigned warrants, certifies, and represents that the information provided in this form is true and correct to the best of my knowledge; and the installation meets all Missouri Net Metering and Solar Electric Rebate program requirements.

Applicant's Signature

Installer's Signature

Print Solar Rebate Applicant's Name

Print Installer's Name

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 100—Office of Quality Schools**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under sections 160.400 and 161.092, RSMo Supp. 2011, and section 2(A) of Art. IX, Mo. Const., the board adopts a rule as follows:

5 CSR 20-100.250 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2012 (37 MoReg 333-334). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received four (4) comments on the proposed rule.

COMMENT #1: Missouri School Boards' Association (MSBA) recommended that the rule specifically address the monitoring of Part B of the Individuals with Disabilities Education Act, Title VI of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act of 1973.

RESPONSE: No change has been made. The mandate for compliance is currently addressed in state law and need not be repeated in the rule.

COMMENT #2: MSBA recommended that the rule specifically address the education needs of English language learners.

RESPONSE: No change has been made. The mandate for compliance is currently addressed in state law and need not be repeated in the rule.

COMMENT #3: MSBA recommended in several areas of the rule that the term "should" be replaced with "shall" as reflecting a mandate.

RESPONSE AND EXPLANATION OF CHANGE: A change has been made. Sections (4) and (6) of this rule have been amended consistent with this comment.

COMMENT #4: MSBA recommended that in the sentence "The charter school has been faithful to the terms of the contract and applicable law," that "faithful" should be replaced with "complied."

RESPONSE AND EXPLANATION OF CHANGE: A change has been made. Paragraph (6)(B)3. has been amended consistent with this comment.

5 CSR 20-100.250 Charter Schools

(4) A charter approved by the charter sponsor shall include a description of the obligations and responsibilities of the charter school, as outlined in sections 160.400 to 160.420, RSMo, and section 167.349, RSMo, and provide for—

(6) Intervention, renewal, and revocation policies of the charter sponsor shall outline the conditions in which the charter sponsor may intervene in the operation of the charter school, along with actions and consequences that may ensue, and the conditions for renewal of the charter at the end of the term. These policies shall include the following minimum standards:

(A) Intervention policies during the charter term shall give schools clear, adequate, evidence-based, and timely notice of contract violations or performance deficiencies and shall mandate intervention based upon findings of the board of the following:

1. The charter school provides a high school program which

fails to maintain a graduation rate of at least seventy percent (70%) in three (3) of the last four (4) school years;

2. The charter school's APR results are below that of the district in which the charter school is located for standards applicable to its building configuration three (3) of the last four (4) school years; or

3. The charter school is identified as a persistently lowest-achieving school by the department;

(B) Renewal process and decisions are based on the thorough analysis of a comprehensive body of objective evidence and shall consider if—

1. The charter school has maintained APR results that meet or exceed the district in which the charter school is located for standards applicable to its building configuration;

2. The charter school is organizationally and fiscally viable, determining at minimum that the school does not have—

A. A negative balance in its operating funds;

B. A combined balance of less than three percent (3%) of the amount expended for such funds during the previous fiscal year; or

C. Expenditure that exceeds receipts for the most recently completed fiscal year; and

3. The charter school has complied to the terms of the contract and applicable law; and

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 12—Forensic Examinations for Sexual Assault**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety under section 595.220, RSMo Supp. 2011, the department adopts a rule as follows:

**11 CSR 30-12.010 Payments for Sexual Assault Forensic
Examinations is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 17, 2012 (37 MoReg 98-105). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) comment on the proposed rule.

COMMENT: Steve Renne with the Missouri Hospital Association requested that the department allow for payments for second exams when provided for an alleged victim of sexual assault.

RESPONSE: The department interprets section 595.220, RSMo Supp. 2011, as requiring payment for only an initial sexual assault forensic examination. The proposed rule intends to provide greater certainty to the department in paying claims for sexual assault forensic exams. Amending the rule to allow for claims to be paid on second exams will make it more difficult for the department to manage the costs of the program. The department has not previously paid for second exams and the proposed rule reflects that practice. No changes have been made to the rule as a result of this comment.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 13—911 Training and Standards Act**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety under section 650.340, RSMo Supp. 2011, the department amends a rule as

follows:

11 CSR 30-13.010 General Organization is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2012 (37 MoReg 152). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 13—911 Training and Standards Act**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety under section 650.340, RSMo Supp. 2011, the department amends a rule as follows:

11 CSR 30-13.020 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2012 (37 MoReg 152). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 13—911 Training and Standards Act**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety under section 650.340, RSMo Supp. 2011, the department amends a rule as follows:

11 CSR 30-13.030 Initial Training is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2012 (37 MoReg 152–153). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 13—911 Training and Standards Act**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety under section 650.340, RSMo Supp. 2011, the department amends a rule as follows:

11 CSR 30-13.040 Exemptions and Waiver of Initial Training Requirement is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2012 (37 MoReg 153). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 13—911 Training and Standards Act**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety under section 650.340, RSMo Supp. 2011, the department amends a rule as follows:

11 CSR 30-13.050 Requirements for Continuing Education is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2012 (37 MoReg 153–154). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 13—911 Training and Standards Act**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety under section 650.340, RSMo Supp. 2011, the department amends a rule as follows:

11 CSR 30-13.060 Minimum Standards for Continuing Education Training is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2012 (37 MoReg 154–155). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 13—911 Training and Standards Act**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety under section 650.340, RSMo Supp. 2011, the department adopts a rule as follows:

11 CSR 30-13.070 Procedure to Obtain Continuing Education Provider Approval for 911 Telecommunicators **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2012 (37 MoReg 155-156). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 13—911 Training and Standards Act****ORDER OF RULEMAKING**

By the authority vested in the Department of Public Safety under section 650.340, RSMo Supp. 2011, the department adopts a rule as follows:

11 CSR 30-13.080 Procedure to Obtain Approval for an Individual Continuing Education Course for 911 Telecommunicators **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2012 (37 MoReg 156). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 13—911 Training and Standards Act****ORDER OF RULEMAKING**

By the authority vested in the Department of Public Safety under section 650.340, RSMo Supp. 2011, the department adopts a rule as follows:

11 CSR 30-13.090 Out-of-State, Federal, and Organizations Continuing Education Credit for 911 Telecommunicators **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2012 (37 MoReg 156). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 13—911 Training and Standards Act****ORDER OF RULEMAKING**

By the authority vested in the Department of Public Safety under section 650.340, RSMo Supp. 2011, the department adopts a rule as follows:

11 CSR 30-13.100 In-Service Continuing Education Training for 911 Telecommunicators **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2012 (37 MoReg 156-157). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 13—911 Training and Standards Act****ORDER OF RULEMAKING**

By the authority vested in the Department of Public Safety under section 650.340, RSMo Supp. 2011, the department adopts a rule as follows:

11 CSR 30-13.110 Computer-Based Continuing Education Training for 911 Telecommunicators **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2012 (37 MoReg 157). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming****ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2011, the commission amends a rule as follows:

11 CSR 45-5.185 Poker Cards—Receipt, Storage, Inspections, and Removal from Use **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2012 (37 MoReg 407-408). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on April 4, 2012. No one commented at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 8—Accounting Records and Procedures; Audits****ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2011, the commission amends a rule as follows:

11 CSR 45-8.130 Tips and Gifts is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2012 (37 MoReg 408-409). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on April 4, 2012. No one commented at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2011, the commission adopts a rule as follows:

11 CSR 45-9.106 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2012 (37 MoReg 409-410). Changes have been made to the *Minimum Internal Control Standards* (MICS) as incorporated by reference in Chapter F, and those changes are explained in the comments below. Changes have been made to the text of the proposed rule, so it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed rule on April 4, 2012. No one commented at the public hearing. Mike Winter, Executive Director of the Missouri Gaming Association, submitted the following comments on behalf of the industry.

COMMENT #1: In section 3.01 there is a change which will require that tournament payouts not be conducted at the Poker Room Bank. We are concerned this proposed change will cause a significant inconvenience for the guests playing in a tournament and a decrease in live game revenue.

We believe our guests will question why they have to go to another bank located outside of the Poker Room to claim their tournament prize money. This will be particularly problematic to explain to our guests since they may have registered and paid their buy-in into the tournament in the Poker Room but cannot be paid at the same location where they paid their buy-in. With this change they will now be told they must leave the Poker Room and proceed to the Main Bank to be paid their prize money. We believe the guest should be able to be paid their prize money in the Poker Room.

We also believe this change will lead to players, once having left the Poker Room to collect their prize money, not return to the Poker Room to get into other live games. Once having gone to the Main Bank to collect their prize money, it is highly improbable they will come back to the Poker Room to get into a live game. Many may be inclined to leave the property entirely rather than go back to the Poker Room.

Poker dealer tips could also be affected by this change. Guests that tip may need to go claim their prize money and come back up to the room to tip the dealer. Again many may be inclined to leave rather than coming back to the Poker Room to tip their dealer.

We believe there are adequate safeguards in place to pay out the prize money to our guests in the Poker Room and would respectfully request that sentence be removed.

RESPONSE: As proposed, this rule does not preclude tournament prize payouts in the Poker Room. To conduct cage transactions, such as tournament payouts, the bank must meet physical and surveillance requirements for a cage. No changes have been made as a result of this comment.

COMMENT #2: We suggest section 3.03 be reworded to require only the dealer to complete the count sheets at the table. The Poker Room should be handled the same way as the other table games with the dealer completing the count sheets and not the Poker Supervisor. RESPONSE AND EXPLANATION OF CHANGE: This is about the poker room bank, not table trays. The dealers have no access to the poker room bank. Added "in the Poker Room Bank" after "assigned assets" in section 3.03.

COMMENT #3: In section 3.07 we would like to request the commission consider adding some flexibility to this provision which would allow cash for chip transactions with patrons at the poker table provided certain procedures are followed. If the commission were willing to consider allowing this to occur, we believe reasonable guidelines could be adopted outlining how this should be handled.

RESPONSE: There is no cash drop at the poker table. No change has been made as a result of this comment.

COMMENT #4: In section 8.05 we would suggest increasing the number of hours cards can be in play from six (6) to twelve (12) hours. At least once every six (6) hours, each deck will be reset to verify the accuracy and to check the back of the cards for flaws.

RESPONSE: No change has been made as a result of this comment.

COMMENT #5: In section 8.07 we request the commission consider allowing for replacement cards to be used to replace a damaged card(s) rather than requiring an entire deck to be removed from play. Adequate safeguards can be put in place to allow for a card to be replaced rather than eliminating an entire deck from play.

RESPONSE: Plastic poker cards are not damaged frequently enough to justify using replacement cards. No change has been made as a result of this comment.

COMMENT #6: In section 8.09(D) the last sentence in this provision requires collection of cards within three (3) hours of the initial collection. We would suggest increasing this to six (6) hours. Some games have few players over the course of the evening and having card changes occur frequently could result in a loss of players particularly during the part of the day/evening when few players come into the room to enter games.

RESPONSE AND EXPLANATION OF CHANGE: The rule is changed to six (6) hours.

Missouri Gaming Commission Staff had the following additional comments:

COMMENT #7: In section 8.08 the time the cards were removed from play should be recorded on the envelope or container.

RESPONSE AND EXPLANATION OF CHANGE: Added "the cards were removed from play" after "date and time."

COMMENT #8: In section 8.12 the words "in the inspection room" should be added after "unsuitable card(s)" to clarify that this only applies to the inspection room and not the Poker Room.

RESPONSE AND EXPLANATION OF CHANGE: Changed wording in section 8.12.

COMMENT #9: In section 8.13 add a hyphen in "twopart."

RESPONSE AND EXPLANATION OF CHANGE: Changed to "two-part."

COMMENT #10: In section 8.16(A) clarify the card inventory

ledger will be maintained for “each” primary and secondary storage area.

RESPONSE AND EXPLANATION OF CHANGE: Changed wording by adding “each” before “primary and secondary storage location” in section 8.16(A).

COMMENT #11: In section 8.16(C) change three (3) months to each calendar quarter.

RESPONSE AND EXPLANATION OF CHANGE: Changed “three months” to “each calendar quarter” in section 8.16(C).

COMMENT #12: In section 8.17(B) add “at least” before “one corner.”

RESPONSE AND EXPLANATION OF CHANGE: Changed wording accordingly in section 8.17(B).

11 CSR 45-9.106 Minimum Internal Control Standards (MICS)—Chapter F

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission’s opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter F—Poker Rooms, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter F does not incorporate any subsequent amendments or additions as adopted by the commission on April 25, 2012.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 9—Internal Control System

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2011, the commission adopts a rule as follows:

11 CSR 45-9.120 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2012 (37 MoReg 410). Changes have been made to the *Minimum Internal Control Standards* (MICS) as incorporated by reference in Chapter T, and those changes are explained in the comments below. Changes have been made to the text of the proposed rule, so it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed rule on April 4, 2012. No one commented at the public hearing. Mike Winter, Executive Director of the Missouri Gaming Association, submitted the following comments on behalf of the industry.

COMMENT #1: Section 2.02 as drafted specifies the process to count tips and requires tips to be counted on a designated craps table. We would like to request some flexibility be added to allow for tips to be transported and counted in an area designated by the casino approved by the commission. While counting on a craps table may work for some properties it could cause problems for others.

RESPONSE: Properties without craps or not requiring that much space may request a variance. No change has been made as a result of this comment.

COMMENT #2: In section 4.03 is it the commission’s intent that dealers will sign the log after each break or is it the Poker Supervisor

who makes an entry?

RESPONSE AND EXPLANATION OF CHANGE: Clarified wording by changing section 4.03(A) from “make a new entry” to “complete a new entry.”

COMMENT #3: In section 4.04 in those instances when an emergency occurs and the dealer is unable to return for a period of days would it be permissible for the Poker Supervisor to cash out the chips?

RESPONSE AND EXPLANATION OF CHANGE: Added language to section 4.04—“If the Poker Dealer does not return to work prior to the close of the payroll accounting cycle, a Poker Supervisor with Security escort may transport the Poker Dealer’s tips to the Main Bank or floating employee window. Once the tips are counted, the supervisor shall immediately deliver the dealer’s tip receipt to Human Resources.”

Missouri Gaming Commission Staff had the following additional comment:

COMMENT #4: Section 4—One of the casinos has a system where an individual poker box is assigned to each dealer by placing a name card in the box which is visible from the outside and cannot be removed until the contents of the tip box is emptied. This procedure would be an acceptable method of tracking tip boxes, but is not one of the options listed in Chapter T. We need a change to section 4 to allow for this method.

RESPONSE AND EXPLANATION OF CHANGE: Added “or shall have the Poker Dealer’s name on a card locked within the tip container in a manner which allows the name to be readily visible from the outside of the container” to section 4.04 after “labeled with Poker Dealer’s name.”

11 CSR 45-9.120 Minimum Internal Control Standards (MICS)—Chapter T

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission’s opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter T—Tips, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter T does not incorporate any subsequent amendments or additions as adopted by the commission on April 25, 2012.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—MO HealthNet Division Chapter 10—Nursing Home Program

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under section 208.201, RSMo Supp. 2011, the division adopts a rule as follows:

13 CSR 70-10.160 Public/Private Long-Term Care Services and Supports Partnership Supplemental Payment to Nursing Facilities is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2012 (37 MoReg 441–442). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 200—Insurance Solvency and Company
Regulation**

**Chapter 12—Missouri and Extended Missouri Mutual
Companies**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo Supp. 2011, and sections 380.021, 380.271, and 380.561, RSMo 2000, the director amends a rule as follows:

20 CSR 200-12.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2012 (37 MoReg 238–241). Those sections with changes are reprinted here. This proposed amendment becomes effective **January 1, 2013**.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on March 22, 2012, and the public comment period ended April 1, 2012. At the public hearing, a department staff member explained the proposed amendment and the department received comments from the Missouri Insurance Coalition (MIC), the Missouri Association of Mutual Insurance Companies (MAMIC), the National Association of Mutual Insurance Companies (NAMIC), and Farmers Mutual Hail Insurance Company (FMH).

COMMENT #1: Representatives of MIC, MAMIC, and NAMIC expressed general support for the proposed amendment with a few suggested revisions. They requested that the fifteen percent (15%) proposed limitation on estimated allowed maximum annual loss of surplus be raised to twenty percent (20%) in order to increase the availability of the reinsurance and lower its price.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has changed section (1) of the rule and line (9) of the calculation form accordingly.

COMMENT #2: Representatives of MIC, MAMIC, and NAMIC stated that the rule should contain an effective date of January 1, 2013, in order both to make the rule consistent with industry practice of annually purchasing reinsurance effective each January 1 and to provide Missouri and extended Missouri mutual insurance companies with sufficient time to comply with the rule.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has added a new section (4) to the rule accordingly.

COMMENT #3: Representatives of MIC, MAMIC, and NAMIC suggested that the exception in section (3) should include more detail regarding the factors the director will consider in evaluating requests for an exception and should include the possibility of a response to a request that is a conditional exception rather than just either a denial or grant of an exception.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has changed section (3) of the rule accordingly.

COMMENT #4: Representatives from FMH suggested the proposed amendment should not be adopted because the reinsurers' market for retrocession is too hard to allow for unlimited annual aggregate reinsurance. Instead, reinsurance requirements should be based on modeling for a one thousand- (1,000-) year storm event.

RESPONSE: The director respectfully disagrees with this comment.

The department has received no comments from other reinsurers of Missouri and extended Missouri mutual companies in opposition to the proposed amendment or citing hard retrocession markets. As to referencing the one thousand- (1,000-) year storm event model, without uncapped annual aggregate reinsurance, two (2) of the three (3) Barton Mutual group of companies became insolvent by over \$17,700,000 as a direct result of the 2011 Joplin tornado even though the companies' purchase of reinsurance was allegedly sufficient to maintain the companies' solvency in the event of a five hundred- (500-) year storm event modeled on their insurance business; therefore, the department lacks confidence in such models as a financial solvency protection measure. Moreover, the department understands that FMH presently reinsures the equivalent of Missouri and extended Missouri mutual companies in Illinois and Iowa under laws and regulations substantially the same as the proposed amendment.

**20 CSR 200-12.030 Extended Missouri and Missouri Mutual
Companies' Financial Reinsurance Requirements**

(1) The director deems that to protect the policyholders of extended Missouri mutual companies and Missouri mutual companies, such companies shall acquire annual aggregate reinsurance to cover one hundred percent (100%) of losses in excess of the attachment point, with an attachment point calculated annually in accordance with the Extended Missouri and Missouri Mutual Exposure Calculation form, which is included herein, so as to prevent an annual loss from coverages written of not greater than twenty percent (20%) of the company's surplus as of the immediately preceding December 31. The director may require additional reinsurance if necessary to protect the policyholders of any such company.

(3) The director may—

(A) Upon application to the director by a Missouri mutual or extended Missouri mutual insurance company, approve an exception to the requirements of section (1) based upon the director's consideration of the following factors:

1. Whether the cost of reinsurance complying with section (1) is prohibitive for the company;
2. The company's annual written premium relative to the company's policyholders' surplus;
3. The company's overall financial strength; and
4. Any other factors relevant to the company's financial condition; and

(B) Condition any exception granted under subsection (3)(A) of this rule on the company's compliance with other financial requirements, including but not limited to restricting the company's written premiums or requiring other types of reinsurance.

(4) This rule becomes effective January 1, 2013.

Extended Missouri and Missouri Mutual Exposure Calculation

NAIC Number _____

Company
Name _____

Address _____

Filing is due 3/1 annually. Attach to annual statement (email address: momutual@insurance.mo.gov)

| | | |
|-----|--|--------|
| 1a) | Estimated Gross Written Premiums (equal to estimate provided to reinsurer, if applicable) | \$ |
| 1b) | Estimated Assumed Written Premiums (not to exceed prior year assumed premium) | \$ |
| 1c) | Total Estimated Gross Written Premium (add lines 1a and 1b) | \$ |
| 2) | Estimated Reinsurance Cost | |
| 2a) | Prior year total reinsurance cost (annual statement page 2, line 1, column 2, plus line 2, column 2, plus line 3) | 2a) \$ |
| 2b) | Prior year gross written premium (annual statement page 2, line 1, column 1) | 2b) \$ |
| 2c) | Prior year reinsurance premiums assumed (annual statement page 2, line 2, column 1) | 2c) \$ |
| 2d) | Current year percentage of gross written and reinsurance premiums provided by reinsurer, if applicable, but if not applicable: Divide prior year total reinsurance cost by (prior year gross written premium plus assumed premium) (divide line 2a by (2b + 2c)) | 2d) % |
| | Estimated Reinsurance Cost (multiply line 1c by line 2d) | \$ |
| 3) | Estimated Net Written Premium (subtract line 2 from line 1c) | \$ |
| 4) | Estimated Attachment Point for current year as provided by the reinsurer | \$ |
| 5) | Estimated Operating Expense | |
| 5a) | Prior year total operating expenses (annual statement page 5, line 4) | 5a) \$ |
| 5b) | Divide prior year total operating expenses by prior year gross written premium (divide line 5a by 2b) | 5b) % |
| | Estimated Operating Expense (multiply line 1a by line 5b) | \$ |
| 6) | Prior year other insurance income, net income, and other income (annual statement page 5, line 2, plus line 9, plus line 10) | \$ |
| 7) | Estimated Net Profit/(Loss) (from line 3 subtract lines 4 and 5, add line 6) | \$ |
| 8) | Surplus Prior Year End | \$ |
| 9) | Estimated Profit/(Loss) Percentage (line 7 divided by line 8) (Estimated maximum net loss may not exceed 20%) | % |

Any material modifications subsequent to filing must be timely reported to the Missouri Insurance Company Regulation Division.

I, _____,

of the named Company hereby attest the above information is a reasonable estimation based on trends experienced by the Company, and that I have underlying data to support the estimations made.

(signature of responsible Company officer)

(Title)

(Date)

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 4—Licensing of Speech-Language Pathologists
and Audiologists**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 345.015, 345.022, and 345.030, RSMo Supp. 2011, the board amends a rule as follows:

20 CSR 2150-4.201 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2012 (37 MoReg 178-179). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Advisory Commission for Speech-Language Pathologists and Audiologists and the State Board of Registration for the Healing Arts received four (4) comments on the proposed amendment. Upon review of the comments, one (1) commission member also noted the need for additional clarification of the definition of direct supervision.

COMMENTS #1-3: John Heskett, executive director of the Missouri Council of Administrators of Special Education, Joy Coulis, M.S., CCC-SLP; and Dara Jackson, M.S., CCC-SLP sent letters in support of the proposed amendment.

RESPONSE: The commission and board appreciates the comments.

COMMENT #4: Larissa McPherson, MA, CCC-SLP commented that she would like to see clarification regarding “a minimum of one (1) hour per week of direct supervision shall be provided for each assistant supervised.” The removal of the “one (1) out of three (3) sessions” option that is in the current rule creates an additional burden for those who supervise speech language pathology assistants who only work one (1) to two (2) hours per week as they would be required to supervise every single visit.

RESPONSE AND EXPLANATION OF CHANGE: The commission agreed with Ms. McPherson’s concerns. The commission feels

that leaving the original “one (1) out of every three sessions” option intact would meet the needs of supervisors like Ms. McPherson.

COMMENT #5: Diane Golden, member of the Advisory Commission for Speech-Language Pathologists and Audiologists, noted that the proposed amendment did not clearly state the intent for the definition of direct supervision. She requested clarification that the definition of direct supervision include real-time observing and viewing when the treatment is being provided by the SLP-A.

RESPONSE AND EXPLANATION OF CHANGE: The commission agreed to clarify that the definition of direct supervision should include real-time observing and viewing in the form of electronic viewing when the treatment is being provided by the SLP-A.

20 CSR 2150-4.201 Supervision Requirements

(6) The supervising speech-language pathologist shall directly supervise the assistant’s initial contact with each patient/client/student. Thereafter, direct supervision shall be provided for each assistant supervised a minimum of one (1) hour per week or one (1) out of every three (3) sessions for each patient/client/student. Direct supervision is defined as real-time observing and viewing the assistant and patient/client/student when the treatment is being provided. If an alternative arrangement is necessary, the supervising speech-language pathologist must submit a proposed plan of supervision for the review of the advisory commission and board to determine if the supervision plan is acceptable. Supervision shall be distributed across the patient/client/student caseload as appropriate to ensure adequate oversight.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 4—Licensing of Speech-Language Pathologists
and Audiologists**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 345.015, 345.030, and 345.050, RSMo Supp. 2011, and section 334.125, RSMo 2000, the board amends a rule as follows:

20 CSR 2150-4.203 Scope of Practice is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2012 (37 MoReg 179-180). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Advisory Commission for Speech-Language Pathologists and Audiologists and the State Board of Registration for the Healing Arts received three (3) comments on the proposed amendment.

COMMENTS #1-2: John Heskett, executive director of the Missouri Council of Administrators of Special Education and Dara Jackson, M.S., CCC-SLP sent letters in support of the proposed amendment.

RESPONSE: The board appreciates the comments.

COMMENT #3: Joy Coulis, M.S., CCC-SLP of St. Louis, Missouri voiced support for the proposed amendment, but also suggested that "billing Medicaid" should be added to the list of things that speech-language pathology assistants should not engage in.

RESPONSE: The commission felt it was a Medicaid/insurance issue. Accordingly, no changes have been made in response to the comment.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 4—Licensing of Speech-Language Pathologists
and Audiologists**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 345.015, 345.030, and 345.050, RSMo Supp. 2011, and section 334.125, RSMo 2000, the board amends a rule as follows:

**20 CSR 2150-4.205 Procedural Process for Registration
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2012 (37 MoReg 180). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Advisory Commission for Speech-Language Pathologists and Audiologists and the State Board of Registration for the Healing Arts received four (4) comments on the proposed amendment.

COMMENTS #1-3: John Heskett, executive director of the Missouri Council of Administrators of Special Education; Joy Coulis, M.S., CCC-SLP; and Dara Jackson, M.S., CCC-SLP sent letters in support of the proposed amendment.

RESPONSE: The board appreciates the comments.

COMMENT #4: Tom Linares, Chairman of the Southeast Missouri State University Department of Communication Disorders commented that there should be a mechanism by which a student who completes the qualifications of a speech language pathology assistant in

Missouri can receive the certificate without having to furnish a statement from a speech language pathologist accepting legal and ethical responsibility for supervising the applicant. Some students may want the certificate from Missouri in order to gain reciprocity in another state. It would be impractical for a student moving out of state to request that a speech language pathologist licensed in Missouri sign a letter accepting responsibility for that student who will not be working for them in Missouri.

RESPONSE: The commission discussed this issue and agreed that a registration could be issued without the letter from the supervising speech language pathologist as long as it is required prior to practicing as an SLP-A in Missouri. The change would need to be made in sections that have not been published in the *Missouri Register*. Therefore, the commission will need to propose the changes through the normal rulemaking process. Accordingly, no changes have been made to the text of the proposed amendment.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce, because of impaired vision, or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before July 1, 2012.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- *Email:* jeffrey.payne@modot.mo.gov
- *Mail:* PO Box 893, Jefferson City, MO 65102-0893
- *Hand Delivery:* 1320 Creek Trail Drive, Jefferson City, MO 65109
- *Instructions:* All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- *Docket:* For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Jeff Payne, Motor Carrier Specialist, (573) 751-7114, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2011, MoDOT may issue a SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #6008

Renewal Applicant's Name & Age: William S. VanVickle, 66

Relevant Physical Condition: Mr. VanVickle has a corrected visual acuity of 20/20 Snellen in both eyes. Mr. VanVickle was diagnosed with Insulin Treated Diabetes Mellitus prior to 2006.

Relevant Driving Experience: Mr. VanVickle has been employed as a driver with Children's Therapy Center operating on a class C CDL since 2005. In addition, he has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in April 2012, his endocrinologist certified that his condition would not adversely affect his ability to operate a commercial vehicle safely.

Traffic Accidents and Violations: No recorded accidents or violations within the previous three (3) years.

Application #6026

Renewal Applicant's Name & Age: Joel D. Gorman, 36

Relevant Physical Condition: Mr. Gorman has uncorrected visual acuity of 20/20 Snellen in both eyes. Mr. Gorman was diagnosed with Insulin Treated Diabetes Mellitus since 2008.

Relevant Driving Experience: Mr. Gorman has been employed as a driver with Cole County Industries operating a concrete mixer Truck on a class B CDL since 2001. In addition, he has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in May 2012, his endocrinologist certified that his condition would not adversely affect his ability to operate a commercial vehicle safely.

Traffic Accidents and Violations: No recorded accidents or violations within the previous three (3) years.

Application #5962

Applicant's Name & Age: Nicholas J. Aulbach, 28

Relevant Physical Condition: Mr. Aulbach's best-corrected visual acuity in his left eye is 20/20 Snellen and 20/100 Snellen in his right eye. Right eye was damaged as a result of an injury in May 2010.

Relevant Driving Experience: Mr. Aulbach has been employed with Missouri American Water Co since 2006. He currently does not hold a CDL license, but has operated non-CDL vehicles and heavy equipment since 2002. He currently has a Missouri Class F operator's license and drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in March, 2012, his ophthalmologist certified that his condition would not adversely affect his ability to operate a commercial vehicle safely.

Traffic Accidents and Violations: No accidents or violations on record for the previous three (3) years.

Application #6263

Applicant's Name & Age: Jerry E. Hartgrove, 32

Relevant Physical Condition: Mr. Hartgrove has a corrected visual acuity of 20/20 Snellen in both eyes. Mr. Hartgrove was diagnosed with Insulin Treated Diabetes Mellitus in 1983.

Relevant Driving Experience: Mr. Hartgrove currently has a class A CDL (Permit). In addition, he has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in April 2012, his endocrinologist certified that his condition would not adversely affect his ability to operate a commercial vehicle safely.

Traffic Accidents and Violations: No recorded accidents or violations on record within the previous three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: May 2, 2012

Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 140—Division of Energy Chapter 2—Energy Set-Aside Fund

IN ADDITION

Notification: Applications Accepted for Energy-Efficiency Loan Cycle

The Missouri Department of Natural Resources' ("department") Division of Energy's Revolving Loan Fund provides loans to public

schools, universities, colleges, cities, counties, public hospitals, and water treatment plants to help reduce energy costs. Loan financing may be used for energy-saving investments such as insulation, lighting systems, heating and cooling systems, windows, renewable energy systems if combined with other energy-saving systems, and other measures that reduce energy use and cost.

Loan recipients will benefit from reduced energy costs and increased comfort of building occupants. Loan financing frees up tax dollars that school districts, higher education facilities, and local governments can use for essential services or other capital improvements. Loan recipients repay the loan with money saved on energy costs as a result of implementing energy-efficiency projects. Energy-saving loans are not defined as debt and therefore do not count against debt limits or require a public vote or bond issuance.

Application Procedures

This notice is an announcement of an energy loan cycle with available funds up to five million dollars (\$5,000,000). To apply for a loan, eligible entities must submit a completed application form to the department during the open application cycle.

Applications will be accepted July 2, 2012, through October 31, 2012. This is a competitive loan cycle. New loan agreements will be awarded by December 31, 2012.

Each applicant may apply for a loan not to exceed five hundred thousand dollars (\$500,000). Loan applications below twenty thousand dollars (\$20,000) will not be considered. If sufficient funds remain after review and priority ranking of applications, the department will consider awarding loans in excess of five hundred thousand dollars (\$500,000). Loans will be awarded for a repayment period not to exceed ten (10) years.

Loan funds will be allocated to eligible sectors as follows:

Public Schools (K-12): thirty percent (30%) of available funds;
City and County Governments: thirty percent (30%) of available funds;
Public and Private Higher Education Institutions: twenty percent (20%) of available funds; and
Public and Private non-for-profit Hospitals: twenty percent (20%) of available funds.

Recipients of loan financing will be determined on a competitive basis. Applications will be ranked based on the project's payback score, which will be determined by dividing the cost to implement a project by the estimated yearly energy cost savings. Projects with the lowest payback score in each sector allocation will be funded until all available funds are allocated. If all funds are not allocated in any one sector after ranking payback scores, the department may allocate funds to other sectors. Any applicant not in compliance with all state and federal environmental laws and court orders issued pursuant to those laws or that have unresolved environmental violations at the time of application will be disqualified.

Interest Rates

Loan principal plus two and one half percent (2.5%) interest is to be repaid to the department in semi-annual payments not to exceed a ten- (10-) year repayment period.

Summary of Projects Funded Through the Energy Revolving Fund

Since 1989, the Revolving Loan Fund has loaned nearly eighty-two (82) million dollars throughout Missouri. The cumulative energy

savings resulting from four hundred eighty-two (482) loan-financed energy projects are estimated at more than one hundred seventeen (117) million dollars. Emissions reductions since FY 1997 are estimated to be one hundred twenty-seven thousand five hundred (127,500) tons of carbon dioxide, one thousand forty-three (1,043) tons of nitrogen oxide and four hundred eighty (480) tons of sulfur dioxide.

Examples of Past Projects Funded Through the Energy Revolving Fund

| Institution | Loan Amount | Cost Savings |
|--------------------------------|--------------------|---------------------|
| Hollister R-V School District | \$93,646 | \$17,464 |
| Clinton County | \$182,000 | \$19,327 |
| Fayette, City of | \$12,000 | \$3,192 |
| Truman State University | \$134,736 | \$21,826 |
| Metro St. Louis Sewer District | \$97,619 | \$12,486 |

For More Information Contact:

www.dnr.mo.gov/energy

Missouri Department of Natural Resources
Division of Energy
PO Box 176
Jefferson City, MO 65102-0176
1-800-361-4827

**STATUTORY LIST OF CONTRACTORS
BARRED FROM PUBLIC WORKS PROJECTS**

The following is a list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. In addition, this list includes contractor(s) that have agreed to placement on the list maintained by the Secretary of State pursuant to Section 290.330 as a part of the resolution of criminal charges of violating the Missouri Prevailing Wage Law. Under this statute, no public body shall award a contract for public works to any contractor or subcontractor, or simulation thereof, during the time that such contractor or subcontractor's name appears on this state debarment list maintained by the Secretary of State.

Contractors Convicted of Violations of the Missouri Prevailing Wage Law

| <u>Name of Contractor</u> | <u>Name of Officers</u> | <u>Address</u> | <u>Date of Conviction</u> | <u>Debarment Period</u> |
|---|-------------------------|---|---------------------------|-------------------------|
| Rycoblake Corp. Case No. 0916-CR03145 (Jackson County Cir. Ct.) | | 4212 SE Saddlebrook Cir Lee's Summit, MO 64082 | 7/13/11 | 7/13/11 to 7/13/12 |

Contractors Agreeing to Placement on the Public Works Debarment List as Part of an Agreement Relating to Criminal Pleas

| <u>Name of Contractor</u> | <u>Name of Officers</u> | <u>Address</u> | <u>Date of Conviction</u> | <u>Debarment Period</u> |
|---------------------------|-------------------------|---|---------------------------|-------------------------|
| Rycoblake Corp. | | 4212 SE Saddlebrook Cir Lee's Summit, MO 64082 | | 7/13/11 to 12/1/12 |
| Gerald Chevalier | | 4212 SE Saddlebrook Cir Lee's Summit, MO 64082 | | 7/13/11 to 12/1/12 |

Dated this 2 day of August 2011.


Carla Buschjost, Director

ADDITION TO STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is an addition to the list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. Under this statute, no public body is permitted to award a contract, directly or indirectly, for public works (1) to Mr. Saxon W. Johnson, (2) to any other contractor or subcontractor that is owned, operated or controlled by Mr. Saxon W. Johnson including The Tile Doctor or (3) to any other simulation of Mr. Saxon W. Johnson or of The Tile Doctor for a period of one year, or until September 2, 2012.

| <u>Name of Contractor</u> | <u>Name of Officers</u> | <u>Address</u> | <u>Date of Conviction</u> | <u>Debarment Period</u> |
|--|-------------------------|---|-------------------------------|-----------------------------|
| Saxon W. Johnson DBA The Tile Doctor Case No. 10CA-CR01318 Cass County Cir. Ct. | | 10724 Haskins Ct Shawnee Mission, KS 66210 | 9/2/2011 | 9/2/2011-9/2/2012 |

Dated this 13 day of September 2011.


Carla Buschjost, Director

ADDITION TO STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is an addition to the list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. Under this statute, no public body is permitted to award a contract, directly or indirectly, for public works (1) to Mr. Larry G. McElroy, (2) to any other contractor or subcontractor that is owned, operated or controlled by Mr. Larry G. McElroy including Blackhawk or (3) to any other simulation of Mr. Larry G. McElroy or of Blackhawk Electric for a period of one year, or until December 27, 2012.

| <u>Name of Contractor</u> | <u>Name of Officers</u> | <u>Address</u> | <u>Date of Conviction</u> | <u>Debarment Period</u> |
|---|-------------------------|---|-------------------------------|-----------------------------|
| Larry G. McElroy DBA Blackhawk Electric Case No. 11CG-CR01157 Cape Girardeau County Cir. Ct. | | 254 E. Lake Dr., PO Box 248 Cape Girardeau, MO 63701 | 12/27/2011 | 12/27/2011-12/27/2012 |

Dated this 26 day of January, 2012.


 Carla Buschjost, Director

ADDITION TO STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is an addition to the list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. Under this statute, no public body is permitted to award a contract, directly or indirectly, for public works (1) to Mr. Norman Bass, (2) to any other contractor or subcontractor that is owned, operated or controlled by Mr. Norman Bass including Municipal Construction Incorporated or (3) to any other simulation of Mr. Norman Bass or of Municipal Construction Incorporated for a period of one year, or until February 1, 2013.

| <u>Name of Contractor</u> | <u>Name of Officers</u> | <u>Address</u> | <u>Date of Conviction</u> | <u>Debarment Period</u> |
|--|-------------------------|---|-------------------------------|-----------------------------|
| Norman Bass DBA Municipal Construction Incorporated Case No. 12SO-CR00103 Scott County Cir. Ct. | | 10150 Hawthorne Ridge Goodrich, MI 48438 | 2/01/12 | 2/01/2012-2/01/2013 |

Dated this 17 day of February, 2012.



Carla Buschjost, Director

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

Notice of Dissolution To All Creditors of And Claimants Against Business Solutions Network, Inc.

On May 14, 2012, Business Solutions Network, Inc., a Missouri corporation, organized on December 10, 2008, Charter #00935203, filed Articles of dissolution by Voluntary Action with the Missouri Secretary of State. Dissolution was effective on February 14, 2012.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation at:

Linda C. Johnson
c/o Schlagel Kinzer LLC
201 E. Loula St.
Olathe, KS 66061

All claims must include name and address of the claimant, the amount claimed, the basis for the claim, and the date(s) on which the event(s) on which the claim is based occurred, a brief description of the nature of the debt or the basis for the claim.

NOTICE: Because of the dissolution of Business Solutions Network, Inc., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the three notices authorized by statute, whichever is published last.

**NOTICE OF DISSOLUTION
TO ALL CREDITORS OF
AND CLAIMANTS AGAINST
NICHOLSON KOVAC, INC.**

On January 25, 2012, Nicholson Kovac, Inc., a Missouri corporation (the "Corporation"), filed its Articles of Dissolution with the Missouri Secretary of State, dissolving the Corporation pursuant to The General and Business Corporation Law of Missouri. The dissolution was effective on January 26, 2012.

You are hereby notified that if you believe you have a claim against the Corporation, you must submit the following information in writing within two years from the publication of this notice:

1. The name, address, telephone number and email address of the claimant.
2. The amount of the claim.
3. A brief description of the nature of the debt or the basis for the claim.
4. The date on which the event on which the claim is based occurred.
5. Documentation for the claim.

You may send your claim, with the above information, to: Nicholson Kovac, Inc., c/o Christine Adams at P.O. Box 410977, Kansas City, Missouri 64141-0977.

All claims against the Corporation will be barred unless the proceeding to enforce the claim is commenced within two years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

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| 1 CSR 10 | OFFICE OF ADMINISTRATION State Officials' Salary Compensation Schedule | | | | 35 MoReg 1815 |
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| 2 CSR 30-2.020 | Animal Health | | 37 MoReg 907 | | |
| 2 CSR 70-25.065 | Plant Industries | | 37 MoReg 571 | | |
| 2 CSR 70-30.110 | Plant Industries | | 37 MoReg 571 | | |
| 2 CSR 70-30.115 | Plant Industries | | 37 MoReg 572 | | |
| 2 CSR 80-1.010 | State Milk Board | | 37 MoReg 573 | | |
| 2 CSR 80-2.010 | State Milk Board | | 37 MoReg 505R 37 MoReg 505 | | |
| 2 CSR 80-2.020 | State Milk Board | | 37 MoReg 573 | | |
| 2 CSR 80-2.030 | State Milk Board | | 37 MoReg 573 | | |
| 2 CSR 80-2.040 | State Milk Board | | 37 MoReg 574 | | |
| 2 CSR 80-2.050 | State Milk Board | | 37 MoReg 574 | | |
| 2 CSR 80-2.060 | State Milk Board | | 37 MoReg 575 | | |
| 2 CSR 80-2.070 | State Milk Board | | 37 MoReg 575 | | |
| 2 CSR 80-2.080 | State Milk Board | | 37 MoReg 577 | | |
| 2 CSR 80-2.091 | State Milk Board | | 37 MoReg 577 | | |
| 2 CSR 80-2.101 | State Milk Board | | 37 MoReg 578 | | |
| 2 CSR 80-2.110 | State Milk Board | | 37 MoReg 578 | | |
| 2 CSR 80-2.121 | State Milk Board | | 37 MoReg 578 | | |
| 2 CSR 80-2.130 | State Milk Board | | 37 MoReg 579 | | |
| 2 CSR 80-2.141 | State Milk Board | | 37 MoReg 579 | | |
| 2 CSR 80-2.151 | State Milk Board | | 37 MoReg 580 | | |
| 2 CSR 80-2.161 | State Milk Board | | 37 MoReg 580 | | |
| 2 CSR 80-2.170 | State Milk Board | | 37 MoReg 581 | | |
| 2 CSR 80-2.180 | State Milk Board | | 37 MoReg 581 | | |
| 2 CSR 80-4.010 | State Milk Board | | 37 MoReg 581 | | |
| 2 CSR 90-10 | Weights and Measures | | | | 36 MoReg 1762 |
| | DEPARTMENT OF CONSERVATION | | | | |
| 3 CSR 10-4.110 | Conservation Commission | | This Issue | | |
| 3 CSR 10-5.222 | Conservation Commission | | This Issue | | |
| 3 CSR 10-6.415 | Conservation Commission | | 37 MoReg 582 | This Issue | |
| 3 CSR 10-7.431 | Conservation Commission | | This Issue | | |
| 3 CSR 10-7.433 | Conservation Commission | | N.A. | This Issue | |
| 3 CSR 10-7.435 | Conservation Commission | | N.A. | This Issue | |
| 3 CSR 10-7.455 | Conservation Commission | | This Issue | | 37 MoReg 118 |
| 3 CSR 10-11.120 | Conservation Commission | | 37 MoReg 582 | This Issue | |
| 3 CSR 10-11.180 | Conservation Commission | | 37 MoReg 583 | This Issue | |
| 3 CSR 10-12.109 | Conservation Commission | | 37 MoReg 583 | This Issue | |
| 3 CSR 10-12.110 | Conservation Commission | | 37 MoReg 583 | This Issue | |
| 3 CSR 10-12.125 | Conservation Commission | | 37 MoReg 584 | This Issue | |
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| 4 CSR 170-7.010 | Missouri Housing Development Commission | | 37 MoReg 7R | 37 MoReg 694R | |
| 4 CSR 170-7.020 | Missouri Housing Development Commission | | 37 MoReg 7R | 37 MoReg 694R | |
| 4 CSR 170-7.030 | Missouri Housing Development Commission | | 37 MoReg 8R | 37 MoReg 694R | |
| 4 CSR 170-7.040 | Missouri Housing Development Commission | | 37 MoReg 8R | 37 MoReg 694R | |
| 4 CSR 170-7.050 | Missouri Housing Development Commission | | 37 MoReg 8R | 37 MoReg 695R | |
| 4 CSR 170-7.100 | Missouri Housing Development Commission | | 37 MoReg 8 | 37 MoReg 695 | |
| 4 CSR 170-7.200 | Missouri Housing Development Commission | | 37 MoReg 9 | 37 MoReg 695 | |
| 4 CSR 170-7.300 | Missouri Housing Development Commission | | 37 MoReg 10 | 37 MoReg 695 | |
| 4 CSR 170-7.400 | Missouri Housing Development Commission | | 37 MoReg 11 | 37 MoReg 695 | |
| 4 CSR 170-7.500 | Missouri Housing Development Commission | | 37 MoReg 12 | 37 MoReg 695 | |
| 4 CSR 170-7.600 | Missouri Housing Development Commission | | 37 MoReg 14 | 37 MoReg 696 | |
| 4 CSR 240-20.065 | Public Service Commission | | 37 MoReg 315 | This Issue | |
| 4 CSR 240-31.010 | Public Service Commission | This Issue | This Issue | | |
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| 5 CSR 20-100.250 | Division of Learning Services | | 37 MoReg 333 | This Issue | |
| 5 CSR 20-400.150 | Division of Learning Services | | 37 MoReg 509 | | |
| 5 CSR 20-400.160 | Division of Learning Services | | 37 MoReg 509 | | |
| 5 CSR 20-400.170 | Division of Learning Services | | 37 MoReg 510 | | |
| 5 CSR 20-400.180 | Division of Learning Services | | 37 MoReg 510 | | |
| 5 CSR 20-400.190 | Division of Learning Services | | 37 MoReg 511 | | |
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| 5 CSR 20-400.260 | Division of Learning Services | | 37 MoReg 512 | | |
| 5 CSR 20-400.280 | Division of Learning Services | | 37 MoReg 512 | | |
| 5 CSR 20-500.330 | Division of Learning Services | | 37 MoReg 908 | | |
| 5 CSR 30-261.025 | Division of Financial and Administrative Services | | 37 MoReg 912 | | |
| 5 CSR 50-378.100 | Division of School Improvement | | 37 MoReg 97R | 37 MoReg 924R | |
| 5 CSR 50-380.010 | Division of School Improvement | | 37 MoReg 97R | 37 MoReg 924R | |
| 5 CSR 50-390.010 | Division of School Improvement | | 37 MoReg 97R | 37 MoReg 924R | |
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| 7 CSR 10-25.010 | Missouri Highways and Transportation Commission | | | | 37 MoReg 861 37 MoReg 976 This Issue |
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| 8 CSR 10-3.010 | Division of Employment Security | | 37 MoReg 679 | | |
| 8 CSR 10-5.030 | Division of Employment Security | | 37 MoReg 334 | 37 MoReg 975 | |
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| 9 CSR 10-5.240 | Director, Department of Mental Health | 37 MoReg 147 | 36 MoReg 2369 | 37 MoReg 607 | |
| 9 CSR 10-31.040 | Director, Department of Mental Health | | 37 MoReg 335 | | |
| 9 CSR 30-4.030 | Certification Standards | | 37 MoReg 15 | 37 MoReg 735 | |
| 9 CSR 30-4.034 | Certification Standards | | 37 MoReg 17 | 37 MoReg 735 | |
| 9 CSR 30-4.035 | Certification Standards | | 37 MoReg 18 | 37 MoReg 735 | |
| 9 CSR 30-4.039 | Certification Standards | | 37 MoReg 19 | 37 MoReg 736 | |
| 9 CSR 30-4.042 | Certification Standards | | 37 MoReg 20 | 37 MoReg 736 | |
| 9 CSR 30-4.043 | Certification Standards | | 37 MoReg 20 | 37 MoReg 736 | |
| 9 CSR 30-4.046 | Certification Standards | | 37 MoReg 22 | 37 MoReg 737 | |
| 9 CSR 45-2.010 | Division of Mental Retardation and Developmental Disabilities | | 37 MoReg 337 | | |
| 9 CSR 45-2.015 | Division of Mental Retardation and Developmental Disabilities | | 37 MoReg 352 | | |
| 9 CSR 45-2.017 | Division of Mental Retardation and Developmental Disabilities | | 37 MoReg 355 | | |
| 9 CSR 45-2.020 | Division of Mental Retardation and Developmental Disabilities | | 37 MoReg 377 | | |
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| 10 CSR 10-2.385 | Air Conservation Commission | | 36 MoReg 2520 | 37 MoReg 924 | |
| 10 CSR 10-5.381 | Air Conservation Commission | | 37 MoReg 955 | | |
| 10 CSR 10-5.385 | Air Conservation Commission | | 36 MoReg 2521 | 37 MoReg 925 | |
| 10 CSR 10-6.060 | Air Conservation Commission | | 37 MoReg 379 | | |
| 10 CSR 10-6.065 | Air Conservation Commission | | 37 MoReg 383 | | |
| 10 CSR 10-6.070 | Air Conservation Commission | | 37 MoReg 966 | | |
| 10 CSR 10-6.075 | Air Conservation Commission | | 37 MoReg 968 | | |
| 10 CSR 10-6.080 | Air Conservation Commission | | 37 MoReg 971 | | |
| 10 CSR 10-6.260 | Air Conservation Commission | | 37 MoReg 388 | | |
| 10 CSR 10-6.410 | Air Conservation Commission | | 37 MoReg 392 | | |
| 10 CSR 20-6.100 | Clean Water Commission | | 36 MoReg 2906R 36 MoReg 2906 37 MoReg 393R 37 MoReg 394 | | |
| 10 CSR 20-7.031 | Clean Water Commission | | 36 MoReg 2521 | 37 MoReg 737 | |
| 10 CSR 140-2 | Division of Energy | | | | This Issue |
| 10 CSR 140-8.010 | Division of Energy | | 37 MoReg 513 | | |
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| 11 CSR 10-12.010 | Adjutant General (<i>Changed to 11 CSR 30-13.010</i>) | | 37 MoReg 152 | This Issue | |
| 11 CSR 10-12.020 | Adjutant General (<i>Changed to 11 CSR 30-13.020</i>) | | 37 MoReg 152 | This Issue | |
| 11 CSR 10-12.030 | Adjutant General (<i>Changed to 11 CSR 30-13.030</i>) | | 37 MoReg 153 | This Issue | |
| 11 CSR 10-12.040 | Adjutant General (<i>Changed to 11 CSR 30-13.040</i>) | | 37 MoReg 153 | This Issue | |
| 11 CSR 10-12.050 | Adjutant General (<i>Changed to 11 CSR 30-13.050</i>) | | 37 MoReg 153 | This Issue | |
| 11 CSR 10-12.060 | Adjutant General (<i>Changed to 11 CSR 30-13.060</i>) | | 37 MoReg 154 | This Issue | |
| 11 CSR 30-12.010 | Office of the Director | 37 MoReg 93 | 37 MoReg 98 | This Issue | |
| 11 CSR 30-13.010 | Office of the Director (<i>Changed from 11 CSR 10-12.010</i>) | | 37 MoReg 152 | This Issue | |
| 11 CSR 30-13.020 | Office of the Director (<i>Changed from 11 CSR 10-12.020</i>) | | 37 MoReg 152 | This Issue | |
| 11 CSR 30-13.030 | Office of the Director (<i>Changed from 11 CSR 10-12.030</i>) | | 37 MoReg 153 | This Issue | |
| 11 CSR 30-13.040 | Office of the Director (<i>Changed from 11 CSR 10-12.040</i>) | | 37 MoReg 153 | This Issue | |
| 11 CSR 30-13.050 | Office of the Director (<i>Changed from 11 CSR 10-12.050</i>) | | 37 MoReg 153 | This Issue | |

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| 11 CSR 30-13.060 | Office of the Director (<i>Changed from 11 CSR 10-12.060</i>) | | 37 MoReg 154 | This Issue | |
| 11 CSR 30-13.070 | Office of the Director | | 37 MoReg 155 | This Issue | |
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| 11 CSR 30-13.090 | Office of the Director | | 37 MoReg 156 | This Issue | |
| 11 CSR 30-13.100 | Office of the Director | | 37 MoReg 156 | This Issue | |
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| 11 CSR 45-5.181 | Missouri Gaming Commission | | 37 MoReg 679 | | |
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| 11 CSR 45-9.106 | Missouri Gaming Commission | | 37 MoReg 410 | This Issue | |
| 11 CSR 45-9.108 | Missouri Gaming Commission | | 36 MoReg 2687 | 37 MoReg 696 | |
| 11 CSR 45-9.114 | Missouri Gaming Commission | | 37 MoReg 680 | | |
| 11 CSR 45-9.118 | Missouri Gaming Commission | | 37 MoReg 106 | 37 MoReg 925 | |
| 11 CSR 45-9.120 | Missouri Gaming Commission | | 37 MoReg 410 | This Issue | |
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| 12 CSR 10-23.446 | Director of Revenue | | 37 MoReg 237 | 37 MoReg 926 | |
| 12 CSR 10-26.210 | Director of Revenue | | 37 MoReg 410 | 37 MoReg 975 | |
| 12 CSR 10-41.010 | Director of Revenue | 36 MoReg 2455 | 36 MoReg 2687 | 37 MoReg 467 | |
| 12 CSR 30-4.010 | State Tax Commission | | 37 MoReg 157 | 37 MoReg 857W | |
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| 13 CSR 40-2.395 | Family Support Division | | 37 MoReg 517 | | |
| 13 CSR 70-3.230 | MO HealthNet Division | | 37 MoReg 23 | 37 MoReg 699 | |
| 13 CSR 70-3.240 | MO HealthNet Division | | 37 MoReg 106 | 37 MoReg 926 | |
| 13 CSR 70-4.110 | MO HealthNet Division | | 37 MoReg 111 | 37 MoReg 700 | |
| 13 CSR 70-10.160 | MO HealthNet Division | | 37 MoReg 441 | This Issue | |
| 13 CSR 70-15.200 | MO HealthNet Division | | 37 MoReg 27R | 37 MoReg 700R | |
| 13 CSR 70-15.220 | MO HealthNet Division | | 37 MoReg 681 | | |
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| 14 CSR 80-4.010 | State Board of Probation and Parole | | 37 MoReg 160 | 37 MoReg 857 | |
| 14 CSR 80-4.020 | State Board of Probation and Parole | | 37 MoReg 160 | 37 MoReg 857 | |
| 14 CSR 80-4.030 | State Board of Probation and Parole | | 37 MoReg 161 | 37 MoReg 857 | |
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| 15 CSR 30-51.100 | Secretary of State | | 37 MoReg 912 | | |
| 15 CSR 30-51.180 | Secretary of State | | 37 MoReg 913 | | |
| 15 CSR 40-3.020 | State Auditor | | 37 MoReg 518 | | |
| 15 CSR 40-3.030 | State Auditor | | 37 MoReg 518 | | |
| 15 CSR 40-5.010 | State Auditor | | 37 MoReg 519R | | |
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| 15 CSR 60-13.060 | Attorney General | | This Issue | | |
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| 16 CSR 10-5.030 | The Public School Retirement System of Missouri | | 37 MoReg 163 | 37 MoReg 857 | |
| 16 CSR 10-6.030 | The Public School Retirement System of Missouri | | 37 MoReg 915 | | |
| 16 CSR 10-6.090 | The Public School Retirement System of Missouri | | 37 MoReg 164 | 37 MoReg 858 | |
| 16 CSR 20-2.083 | Missouri Local Government Employees' Retirement System (LAGERS) | | 37 MoReg 915R | | |
| 16 CSR 50-2.010 | The County Employees' Retirement Fund | | 37 MoReg 165 | 37 MoReg 926 | |
| 16 CSR 50-2.160 | The County Employees' Retirement Fund | | 37 MoReg 165 | 37 MoReg 927 | |
| 16 CSR 50-3.010 | The County Employees' Retirement Fund | | 37 MoReg 165 | 37 MoReg 927 | |
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| 17 CSR 20-2.085 | St. Louis Board of Police Commissioners | | 37 MoReg 918 | | |
| 17 CSR 20-2.105 | St. Louis Board of Police Commissioners | | 37 MoReg 919 | | |
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| 17 CSR 20-3.025 | St. Louis Board of Police Commissioners | | 37 MoReg 922 | | |
| 17 CSR 20-3.055 | St. Louis Board of Police Commissioners | | 37 MoReg 922 | | |
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| 19 CSR 20-26.030 | Division of Community and Public Health | | 37 MoReg 519R | | |
| 19 CSR 20-26.040 | Division of Community and Public Health | | 37 MoReg 519 | | |
| 19 CSR 20-28.010 | Division of Community and Public Health | | 37 MoReg 27 | 37 MoReg 700 | |
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| 19 CSR 25-30.021 | State Public Health Laboratory | | This Issue | | |
| 19 CSR 25-30.031 | State Public Health Laboratory | | This Issue | | |
| 19 CSR 25-30.041 | State Public Health Laboratory | | This Issue | | |
| 19 CSR 25-30.050 | State Public Health Laboratory | | This Issue | | |
| 19 CSR 25-30.051 | State Public Health Laboratory | | This Issue | | |
| 19 CSR 25-30.060 | State Public Health Laboratory | | This Issue | | |
| 19 CSR 25-30.070 | State Public Health Laboratory | | This Issue | | |
| 19 CSR 25-30.080 | State Public Health Laboratory | | This Issue | | |
| 19 CSR 30-1 | Division of Regulation and Licensure | | | | 36 MoReg 1702 |
| 19 CSR 30-20 | Division of Regulation and Licensure | | | | 36 MoReg 1704 |
| 19 CSR 30-40.365 | Division of Regulation and Licensure | | 37 MoReg 523 | | |
| 19 CSR 30-70.620 | Division of Regulation and Licensure | | 37 MoReg 44 | 37 MoReg 701 | |
| 19 CSR 30-70.630 | Division of Regulation and Licensure | | 37 MoReg 44 | 37 MoReg 701 | |
| 19 CSR 30-81.015 | Division of Regulation and Licensure | | 37 MoReg 523R | | |
| 19 CSR 30-84.030 | Division of Regulation and Licensure | | 37 MoReg 684 | | |
| 19 CSR 30-85.022 | Division of Regulation and Licensure | | 37 MoReg 585 | | |
| 19 CSR 30-86.022 | Division of Regulation and Licensure | | 37 MoReg 592 | | |
| 19 CSR 30-86.043 | Division of Regulation and Licensure | | 37 MoReg 524 | | |
| 19 CSR 30-86.047 | Division of Regulation and Licensure | | 37 MoReg 525 | | |
| 19 CSR 30-88.020 | Division of Regulation and Licensure | | 37 MoReg 602 | | |
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| 20 CSR | Construction Claims Binding Arbitration Cap | | | | 36 MoReg 192 37 MoReg 62 |
| 20 CSR | Sovereign Immunity Limits | | | | 37 MoReg 62 |
| 20 CSR | State Legal Expense Fund Cap | | | | 36 MoReg 192 37 MoReg 62 |
| 20 CSR 100-5.020 | Insurer Conduct | 36 MoReg 2897 | 36 MoReg 2920 37 MoReg 166 | 37 MoReg 858 This Issue | |
| 20 CSR 200-12.030 | Insurance Solvency and Company Regulation | | 37 MoReg 238 | | |
| 20 CSR 200-18.030 | Insurance Solvency and Company Regulation | 37 MoReg 150 | 37 MoReg 168 | | |
| 20 CSR 700-1.160 | Insurance Licensing | 37 MoReg 150 | 37 MoReg 171 | | |
| 20 CSR 1100-2.020 | Division of Credit Unions | | 37 MoReg 971 | | |
| 20 CSR 1100-2.030 | Division of Credit Unions | | 37 MoReg 972 | | |
| 20 CSR 1100-2.070 | Division of Credit Unions | | 37 MoReg 972 | | |
| 20 CSR 1100-2.085 | Division of Credit Unions | | 37 MoReg 972 | | |
| 20 CSR 1100-2.090 | Division of Credit Unions | | 37 MoReg 973 | | |
| 20 CSR 1100-2.100 | Division of Credit Unions | | 37 MoReg 973 | | |
| 20 CSR 1100-2.170 | Division of Credit Unions | | 37 MoReg 973 | | |
| 20 CSR 2010-2.022 | Missouri State Board of Accountancy | | 37 MoReg 112 | 37 MoReg 701 | |
| 20 CSR 2110-2.010 | Missouri Dental Board | | 37 MoReg 604 | | |
| 20 CSR 2110-2.030 | Missouri Dental Board | | 37 MoReg 604 | | |
| 20 CSR 2110-2.050 | Missouri Dental Board | | 37 MoReg 605 | | |
| 20 CSR 2110-2.070 | Missouri Dental Board | | 37 MoReg 605 | | |
| 20 CSR 2150-1.011 | State Board of Registration for the Healing Arts | | 37 MoReg 173R 37 MoReg 173 | 37 MoReg 858R 37 MoReg 858 | |
| 20 CSR 2150-3.203 | State Board of Registration for the Healing Arts | | 37 MoReg 178 | 37 MoReg 858 | |
| 20 CSR 2150-4.201 | State Board of Registration for the Healing Arts | | 37 MoReg 178 | This Issue | |
| 20 CSR 2150-4.203 | State Board of Registration for the Healing Arts | | 37 MoReg 179 | This Issue | |
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| 20 CSR 2150-5.028 | State Board of Registration for the Healing Arts | | 37 MoReg 241 | | |
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| 20 CSR 2205-3.020 | Missouri Board of Occupational Therapy | | 37 MoReg 184 | 37 MoReg 859 | |
| 20 CSR 2205-3.030 | Missouri Board of Occupational Therapy | | 37 MoReg 187 | 37 MoReg 859 | |
| 20 CSR 2220-2.013 | State Board of Pharmacy | | 37 MoReg 974 | | |
| 20 CSR 2220-2.145 | State Board of Pharmacy | | 37 MoReg 190 | 37 MoReg 859 | |
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| 20 CSR 2270-2.031 | Missouri Veterinary Medical Board | | 37 MoReg 191 | 37 MoReg 859 | |
| 20 CSR 2270-2.041 | Missouri Veterinary Medical Board | | 37 MoReg 195 | 37 MoReg 860 | |
| 20 CSR 2270-3.020 | Missouri Veterinary Medical Board | | 37 MoReg 199 | 37 MoReg 860 | |
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| 22 CSR 10-1.010 | Health Care Plan | | 36 MoReg 2711 | 37 MoReg 616 | |
| 22 CSR 10-1.020 | Health Care Plan | | 36 MoReg 2712 | 37 MoReg 616 | |
| 22 CSR 10-2.010 | Health Care Plan | 36 MoReg 2455 | 36 MoReg 2712 | 37 MoReg 616 | |
| 22 CSR 10-2.020 | Health Care Plan | 36 MoReg 2463R 36 MoReg 2463 | 36 MoReg 2719R 36 MoReg 2720 | 37 MoReg 620R 37 MoReg 620 | |
| 22 CSR 10-2.030 | Health Care Plan | 36 MoReg 2471 | 36 MoReg 2730 | 37 MoReg 626 | |
| 22 CSR 10-2.045 | Health Care Plan | 36 MoReg 2472 | 36 MoReg 2734 | 37 MoReg 626 | |
| 22 CSR 10-2.051 | Health Care Plan | 36 MoReg 2473 | 36 MoReg 2735 | 37 MoReg 627 | |
| 22 CSR 10-2.052 | Health Care Plan | 36 MoReg 2475 | 36 MoReg 2739 | 37 MoReg 627 | |
| 22 CSR 10-2.053 | Health Care Plan | 36 MoReg 2476 | 36 MoReg 2742 | 37 MoReg 628 | |

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| 22 CSR 10-2.054 | Health Care Plan | | 36 MoReg 2746 | 37 MoReg 628 | |
| 22 CSR 10-2.055 | Health Care Plan | 36 MoReg 2477R | 36 MoReg 2749R | 37 MoReg 628R | |
| | | 36 MoReg 2478 | 36 MoReg 2749 | 37 MoReg 629 | |
| 22 CSR 10-2.060 | Health Care Plan | | 36 MoReg 2756 | 37 MoReg 632 | |
| 22 CSR 10-2.070 | Health Care Plan | | 36 MoReg 2760 | 37 MoReg 633 | |
| 22 CSR 10-2.075 | Health Care Plan | 36 MoReg 2482 | 36 MoReg 2761 | 37 MoReg 633 | |
| 22 CSR 10-2.090 | Health Care Plan | 36 MoReg 2486 | 36 MoReg 2764 | 37 MoReg 633 | |
| 22 CSR 10-2.091 | Health Care Plan | 36 MoReg 2488 | 36 MoReg 2769 | 37 MoReg 471 | |
| 22 CSR 10-2.092 | Health Care Plan | | 36 MoReg 2770R | 37 MoReg 633R | |
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| 22 CSR 10-2.100 | Health Care Plan | 36 MoReg 2491 | 36 MoReg 2778 | 37 MoReg 634 | |
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| 22 CSR 10-3.030 | Health Care Plan | | 36 MoReg 2794 | 37 MoReg 642 | |
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| 22 CSR 10-3.053 | Health Care Plan | 36 MoReg 2506 | 36 MoReg 2799 | 37 MoReg 643 | |
| 22 CSR 10-3.054 | Health Care Plan | 36 MoReg 2507 | 36 MoReg 2803 | 37 MoReg 643 | |
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| 22 CSR 10-3.056 | Health Care Plan | | 36 MoReg 2809 | 37 MoReg 644 | |
| 22 CSR 10-3.057 | Health Care Plan | 36 MoReg 2508R | 36 MoReg 2812R | 37 MoReg 645R | |
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| 22 CSR 10-3.100 | Health Care Plan | 36 MoReg 2519 | 36 MoReg 2837 | 37 MoReg 650 | |

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| Department of Economic Development | | | |
| Public Service Commission | | | |
| 4 CSR 240-31.010 | Definitions | This Issue | June 1, 2012Feb. 28, 2013 |
| Department of Social Services | | | |
| MO HealthNet Division | | | |
| 13 CSR 70-10.110 | Nursing Facility Reimbursement Allowance | Aug. 1, 2012 Issue . . | July 1, 2012Dec. 28, 2012 |
| 13 CSR 70-15.010 | Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology | Aug. 1, 2012 Issue . . | July 1, 2012Dec. 28, 2012 |
| 13 CSR 70-15.110 | Federal Reimbursement Allowance (FRA) | Aug. 1, 2012 Issue . . | July 1, 2012Dec. 28, 2012 |
| 13 CSR 70-15.160 | Prospective Outpatient Hospital Services Reimbursement Methodology | Aug. 1, 2012 Issue . . | July 1, 2012Dec. 28, 2012 |
| 13 CSR 70-15.220 | Disproportionate Share Hospital Payments | Aug. 1, 2012 Issue . . | July 1, 2012Dec. 28, 2012 |
| Elected Officials | | | |
| Treasurer | | | |
| 15 CSR 50-4.030 | Missouri MOST 529 Matching Grant Program | .37 MoReg 731 | April 15, 2012Jan. 23, 2013 |
| Department of Insurance, Financial Institutions and Professional Registration | | | |
| Insurance Solvency and Company Regulations | | | |
| 20 CSR 200-18.030 | Licensure of Motor Vehicle Extended Service Contract Producers | .37 MoReg 150 | Jan. 9, 2012July 6, 2012 |
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| 20 CSR 700-1.160 | Licensing and Authorization of Portable Electronics Insurance Producers and Related Entities | .37 MoReg 150 | Jan. 9, 2012July 6, 2012 |

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Orders****Subject Matter****Filed Date****Publication****2012**

| | | | |
|--------------|--|----------------|--------------|
| 12-05 | Extends Executive Orders 11-06, 12-03, 11-07, 11-11, 11-14, and 12-04 until June 1, 2012 | March 13, 2012 | 37 MoReg 569 |
| 12-04 | Activates the state militia in response to severe weather that began on February 28, 2012 | Feb. 29, 2012 | 37 MoReg 503 |
| 12-03 | Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to the severe weather that began on February 28, 2012 | Feb. 29, 2012 | 37 MoReg 501 |
| 12-02 | Orders the transfer of all authority, powers, and duties of all remaining audit and compliance responsibilities relating to Medicaid Title XIX, SCHIP Title XXI, and Medicaid Waiver programs from the Dept. of Health and Senior Services and the Dept. of Mental Health to the Dept. of Social Services effective Aug. 28, 2012, unless disapproved within sixty days of its submission to the Second Regular Session of the 96th General Assembly | Jan. 23, 2012 | 37 MoReg 313 |
| 12-01 | Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies | Jan. 23, 2012 | 37 MoReg 311 |

2011

| | | | |
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| 11-25 | Extends the declaration of emergency contained in Executive Order 11-06 (and extended by Executive Orders 11-09, 11-19, and 11-23) until March 15, 2012, unless extended in whole or part by subsequent order. Further Executive Orders 11-07, 11-11, and 11-14 are extended until March 15, 2012, unless extended in whole or part by subsequent order | Dec. 14, 2011 | 37 MoReg 95 |
| 11-24 | Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies | Nov. 18, 2011 | 37 MoReg 5 |
| 11-23 | Extends Executive Order 11-20 until October 15, 2011, and extends Executive Orders 11-06, 11-07, 11-08, 11-11, 11-14, and 11-18 until December 18, 2011 | Sept. 13, 2011 | 36 MoReg 2157 |
| 11-22 | Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies | July 26, 2011 | 36 MoReg 1979 |
| 11-21 | Authorizes the Joplin Public School system to immediately begin to retrofit, equip, and furnish various buildings to house students during the 2011-2012 school year without requiring advertisements for bids | June 17, 2011 | 36 MoReg 1800 |
| 11-20 | Extends certain terms of Executive Order 11-12 to help Missouri citizens impacted by the Joplin tornado of April 22, 2011 | June 17, 2011 | 36 MoReg 1798 |
| 11-19 | Extends certain terms of Executive Orders 11-06, 11-07, 11-08, 11-10, 11-11, 11-13, 11-14, 11-15, 11-16, and 11-18 until September 15, 2011 | June 17, 2011 | 36 MoReg 1796 |
| 11-18 | Activates the state militia in response to flooding events occurring and threatening along the Missouri River | June 8, 2011 | 36 MoReg 1739 |
| 11-17 | Establishes the State of Missouri Resource, Recovery & Rebuilding Center in the City of Joplin in response to a tornado that struck there on May 22, 2011 | June 7, 2011 | 36 MoReg 1737 |
| 11-16 | Authorizes the Joplin Public Schools to immediately begin to retrofit and furnish warehouse and retail structures to house district programs displaced by the tornado and severe storms on May 22, 2011, without requiring advertisements for bids | June 3, 2011 | 36 MoReg 1735 |
| 11-15 | Authorizes the Joplin Public School system to immediately rebuild, restore, and/or renovate Emerson Elementary, Kelsey Norman Elementary, Old South Middle School, and Washington Education Center without requiring advertisement for bids | June 1, 2011 | 36 MoReg 1594 |
| 11-14 | Activates the state militia in response to a tornado that hit the City of Joplin on May 22, 2011 | May 26, 2011 | 36 MoReg 1592 |
| 11-13 | Authorizes the Joplin Public Schools system to immediately begin rebuilding and replacing the materials for three of its buildings that were destroyed in a tornado that struck on May 22, 2011, without requiring advertisement for bids | May 26, 2011 | 36 MoReg 1590 |
| 11-12 | Orders the director of the Department of Insurance, Financial Institutions and Professional Registration to temporarily waive, suspend, and/or modify any statute or regulation under his purview in order to best serve the interests of those citizens affected by the tornado that hit the city of Joplin on May 22, 2011 | May 26, 2011 | 36 MoReg 1587 |

| Executive Orders | Subject Matter | Filed Date | Publication |
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| 11-11 | Orders the director of revenue to issue duplicate or replacement license, nondriver license, certificate of motor vehicle ownership, number plate, or tabs lost or destroyed as a result of the tornado that hit the city of Joplin and to waive all state fees and charges for such duplicate or replacement | May 26, 2011 | 36 MoReg 1585 |
| 11-10 | Orders the Missouri Department of Health and Senior Services and the State Board of Pharmacy to temporarily waive certain rules and regulations to allow medical practitioners and pharmacists responding to the tornado and severe storms in Joplin to best serve the interests of public health and safety | May 24, 2011 | 36 MoReg 1583 |
| 11-09 | Extends Executive Orders 11-06, 11-07, and 11-08 through June 20, 2011 | May 20, 2011 | 36 MoReg 1581 |
| 11-08 | Activates the state militia in response to severe weather that began on April 22 | April 25, 2011 | 36 MoReg 1449 |
| 11-07 | Gives the director of the Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe weather that began on April 22 | April 25, 2011 | 36 MoReg 1447 |
| 11-06 | Declares a state of emergency for the state of Missouri and activates the Missouri State Emergency Operations Plan due to severe weather that began on April 22 | April 22, 2011 | 36 MoReg 1445 |
| 11-05 | Orders the Missouri Department of Transportation to assist local jurisdictions in counties that: 1) received record snowfalls; and 2) continuing snow clearance exceeds their capabilities | Feb. 4, 2011 | 36 MoReg 883 |
| 11-04 | Activates the state militia in response to severe weather that began on January 31, 2011 | Jan. 31, 2011 | 36 MoReg 881 |
| 11-03 | Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated | Jan. 31, 2011 | 36 MoReg 879 |
| 11-02 | Extends the declaration of emergency contained in Executive Order 10-27 and the terms of Executive Order 11-01 through February 28, 2011 | Jan. 28, 2011 | 36 MoReg 877 |
| 11-01 | Gives the Director of the Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe winter weather that began on December 30 | Jan. 4, 2011 | 36 MoReg 705 |

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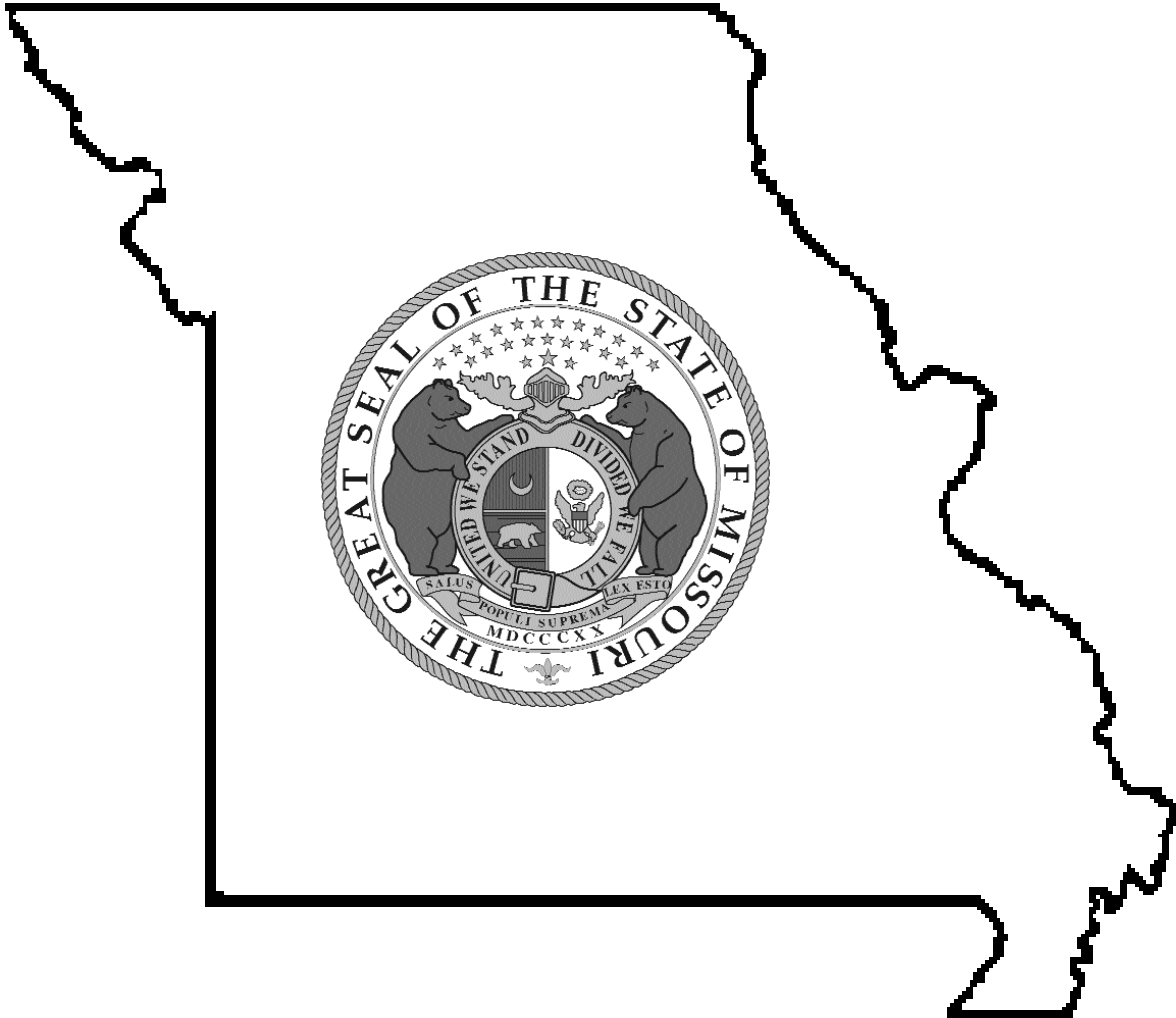
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